

**2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Oklahoma District Attorneys Council  
Program Narrative**

**1. STATE STRATEGY AND FUNDING PRIORITIES**

**Overview**

Since 1986, the District Attorneys Council (DAC) has served as the state administering agency for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The DAC utilizes a board that is charged with providing general oversight for the JAG Program, developing the state strategy, prioritizing purpose areas for funding, reviewing grant proposals, and determining awards. Comprised of 17 voting and non-voting members, the Justice Assistance Grant (JAG) Board represents a cross section of state and federal criminal justice agencies in Oklahoma. The federal representatives on the Board serve as non-voting members. Through the dedicated and knowledgeable representatives that serve on the JAG Board, strategies and approaches have been developed and executed to prevent, as well as control, drugs and violent crimes and serious offenders. In this capacity, the Board through the JAG Program leverages federal funding in order to marshal the State's resources in responding to these criminal justice issues.

In 2008, the Justice Assistance Grant Board developed a four-year plan for the 2008 through 2012 award years to guide the expenditures of the Edward Byrne Memorial Justice Assistance Grant Formula Program grant funds. This is the last year of the four-year funding plan. More information is provided in the following section on the JAG Board's plan for developing a new statewide strategic plan using a community engagement model to guide spending under future fiscal allocations.

**Description of the Programs to be Funded**

Prior to establishing the state strategy and identifying priorities in 2008, the Board reviewed a variety of current and pertinent data. In addition, the Board conducted an examination of the positive progress occurring in various areas of the criminal justice system, completed an individual survey on priorities for funding, and obtained input from a statewide Public Hearing.

After a careful review of the data and analysis, the JAG Board made informed decisions concerning the most effective and efficient usage of the limited resources. For the 2008 – 2012 State Strategy, the following goals were established:

- A. Reduce the importation, manufacturing, distribution, and possession of illegal drugs and controlled substances throughout the state;
- B. Reduce the trafficking of illegal drugs and controlled substances in and through the state;
- C. Reduce the violence related to gangs through prevention, enforcement, and prosecution;
- D. Assist local law enforcement through the procurement of equipment;
- E. Encourage innovative law enforcement projects that address drugs and violent crime control that improves the functioning of the criminal justice system;
- F. Encourage innovative prosecution projects that address drugs and violent crime control that improves the functioning of the criminal justice system;

- G. Encourage innovative prevention projects that address drugs and violent crime control that improve the functioning of the criminal justice system;
- H. Improve the integration of criminal history records between criminal justice agencies; and,
- I. Reduce prison recidivism by providing effective drug and alcohol treatment for incarcerated juvenile and/or adult offenders.

Consistent with the above goals, it is anticipated that the following broad categories of programs will be funded with the 2011 JAG Program funding: 1) Multijurisdictional Drug and Violent Crime Task Forces; 2) Gang Related Enforcement and Prosecution Projects; 3) Violent Crime Initiatives; 4) Residential Substance Abuse Treatment for Incarcerated Offenders; 5) Female Offender Intervention and Diversion Program; and, 6) Equipment for Local Law Enforcement.

The following summary provides a more detailed description on the project to be funded.

### **1. Multijurisdictional Drug and Violent Crime Task Forces**

Currently in Oklahoma, there are 19 multijurisdictional drug and violent crime task forces (DVCTFs) operating in the state and two (2) multijurisdictional drug task forces (DTFs). Of the DVCTFs, 17 are led by District Attorney Offices and two (2) by Sheriff's Offices'. The remaining two (2) DTFs are operated by a state agency. The two state agency operated drug task forces collaborate with rural law enforcement agencies within that particular District Attorney's jurisdiction to address drug enforcement only.

The multi-faceted capabilities of the DVCTFs have created a unique localized drug enforcement response to the importation, manufacturing, distribution, and possession of controlled substances throughout the state. However, within the last two years, it is apparent that the DTFs focus on more than just drug enforcement. Due to the level of expertise of the investigators on these Task Forces, rural law enforcement often turns to the Task Forces for assistance in all facets of drug-related crimes. In addition to drug enforcement, the Task Forces assist rural law enforcement in the investigation of homicides, sexual assaults, robberies, property crimes, gangs, arsons, kidnappings, and child abuse cases. The District Attorney is in the position of providing leadership and support to the rural law enforcement agencies within his/her jurisdiction, many of which are small departments with between one and ten officers.

Not only are the DVCTFs the only narcotics investigators in place to respond to narcotics-related community complaints, patrol arrests, methamphetamine lab discoveries, or to investigate such matters, they are also available to provide expertise to rural law enforcement about writing search warrants, interviewing victims, and interrogating suspects. The DVCTFs provide the follow-up in investigations which assist the prosecutor in successfully prosecuting the cases. Since the inception of the Byrne/JAG funding, the DVCTFs have been, and continue to be, a funding priority of the Justice Assistance Grant Board.

The DVCTF's continually foster the necessary relationships between federal, state, and local law enforcement agencies and prosecutors and are able to achieve maximum impact on Oklahoma's drug and violent crime problem.

While a significant decline was realized in local methamphetamine labs due to the Pseudoephedrine Control legislation, the criminal element is now banding together to purchase quantities of pseudoephedrine that appear to be legal on the surface, but when combined with

other purchases, are utilized to make methamphetamine. A recent increase in methamphetamine labs is occurring in the eastern and southern parts of the state. In addition to combating the increase in methamphetamine labs, all of the DVCTFs have been refocusing their efforts on the significant influx of Mexican ice and methamphetamine being trafficked into the state, in part due to the strict pseudoephedrine laws in Oklahoma. Because of the increase in distribution by Mexican drug trafficking organizations, the DVCTFs are now pursuing more complex investigations, which require more time and resources than local methamphetamine lab investigations. The required training is also different. In many cases an officer must operate in an undercover capacity to make hand-to-hand purchases from dealers; financial records must be followed; pen registers obtained; and, at times, wire taps must be utilized to fully investigate the organization to bring those responsible for these drug crimes to justice. All of these scenarios call for the training and expertise that exists within the DVCTFs.

The DVCTFs continue to fulfill a significant void in the state. The Drug Enforcement Administration (DEA) and the Oklahoma Bureau of Narcotics (OBN) readily admit that they do not have enough agents in the rural areas of the state to investigate these crimes on their own. OBN has Assistant Agents in Charge assigned to rural areas to work hand-in-hand with the local DVCTFs. The DVCTF agents can pursue local street dealers to get an investigation started, whereas the federal and state narcotics agencies, by policy, must have an identified source of narcotics prior to pursuing an investigation. In the case of DEA, this identified source must have links to known significant regional or national drug trafficking organizations before this agency can pursue the case. Whereas DEA and OBN both fully support the local law enforcement effort, DEA's mission is to target the highest level of national and international drug trafficking organizations, which prevents them from focusing on street level narcotics dealers. That responsibility often falls to the local narcotics officers who have the ability to focus on street to mid-level investigations and developing them to the point where DEA can become involved. The DVCTFs provide the much needed local intelligence that often federal and state agencies cannot.

## **2. 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 large locales such as Oklahoma and Tulsa Counties requires 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 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 the 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, located in the state's largest counties.

### **3. Violent Crime Initiatives**

Capital murder cases are complex cases with the prosecutor, judge, defense counsel, and jury each having a part in determining a human being's life or death. There is a myriad of complex issues involved in capital crime cases, such as evidentiary issues dealing with the collection, preservation, and testing of biological evidence, identification and interrogation issues, mental retardation or mental health issues of the defendant, and a multitude of motions, responses, and briefs just to name a few. Moreover, pursuant to state statute, an appeal is mandatory in capital litigation cases. On appeal, these cases are highly scrutinized with a process that takes years. When an error is found, the passage of time, erosion of memory, and dispersion of witnesses makes retrial extremely challenging. Due to the nature of these cases, it is imperative that these cases be prosecuted with the utmost integrity and strict adherence to legal procedures and guidelines set forth in statutory authority and case law.

In Oklahoma, the experience level of the prosecutors that handle these cases varies widely. Moreover, the resources available to assist these prosecutors are extremely limited especially in rural district attorney districts. Consequently, there is a great need within Oklahoma's statewide district attorney system to develop specialized resources and to aid prosecutors and judges in the handling of capital murder cases from the initial determination to seek the death penalty through trial with the Capital Litigation and Homicide Prosecution Initiative.

### **4. Residential Substance Abuse Treatment for Incarcerated Offenders**

The continued minimal federal allocation for the Residential Substance Abuse Treatment (RSAT) Grant creates a need for continued funding through 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. Using evidence-based 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 to offenders that did receive treatment. The Cox Proportional Hazards Model is a robust form of survival analysis that produces odds ratios that allow for examining the effect of different measures on survival time. The study performed used data from the Oklahoma Department of Corrections (ODOC) Offender Management System (OMS) and ODOC Programs Department, end of calendar year

2004 – 2009 program participation files. After controlling for all measures, offenders who completed the SAT program have 20% lower odds of returning to prison compared to offenders who did not complete the program.

With the reality that the majority of offenders who are currently incarcerated will at some point 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. It is anticipated that the JAG Board will continue to utilize JAG funds to support the RSAT Grant and provide drug and alcohol treatment to incarcerated offenders.

#### **5. Female Offender Intervention and Diversion Program**

Oklahoma leads the nation in the rate of females incarcerated with an incarceration rate of 132 per 100,000, over twice the national average of 68 per 100,000. In FY10, 1,393 women were received by the Oklahoma Department of Corrections (DOC). Based on a five-year average, 41% of the female offenders received by the DOC served less than one year in prison. The relatively short length of time spent in custody results in minimal access to treatment programs, significant disruption of existing family systems, and significant cost to taxpayers compared to management of these offenders in the community. The Female Diversion Program is designed to target female offenders with multiple needs and varying degrees of involvement in the criminal justice system.

In addition to the criminogenic issues, there are a number of pervasive issues that must be addressed with Oklahoma's population of incarcerated women in order to become law-abiding members of society. These include substance abuse and addiction, trauma and violence, and mental illness. The primary goal of the project is to use evidence-based practices to enhance long-term public safety while providing an alternative sanctioning and intervention program that will elicit offender accountability and result in diverting female offenders from full engagement in the criminal justice system.

#### **6. Equipment for Local Law Enforcement**

As required by the federal guidelines, the State of Oklahoma passes a percentage of the JAG funding to local law enforcement to the "less than \$10,000 jurisdictions" which is added to the state's award. 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 perform their core duties and have definitely limited their ability to improve overall effectiveness.

In a time when technology is progressing rapidly and state and federal law enforcement agencies are generally 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.

The JAG Board has historically utilized the set aside funding to procure equipment for eligible local and tribal law enforcement. In January of each year, the JAG Board determines the type of equipment to be funded. The priorities for the equipment in 2011 was in-car mobile data systems and in-car and hand-held radios. The award process for the JAG Local Law Enforcement Grant is separate from the regular JAG award funding and is detailed below.

### **Subgrant Award Process and TimeLine**

The JAG Board has two award processes. The first is for the regular JAG funds which is the state's regular allocation. The second award process is only for the pass through funds for the "less than \$10,000 jurisdictions" which is added to the state's award. This award process is referred to as the JAG Local Law Enforcement Grant.

For the regular JAG funding, A Notice of Availability of Funds is generally distributed in February to all current applicants and interested applicants. The DAC maintains a database of interested applicants who request information on the grant. The application is made available for download via the DAC website. Applications are generally due in March. The JAG Board meets in May to review and make award decisions. Awards are made for a 12-month period with the award period beginning July 1 and ending June 30. The JAG Program award process is a competitive process in Oklahoma. In order to be eligible for funding, the applicant must be an eligible applicant under the grant program, be in good standing with all previous and current grant awards, and meet the requirements of the application process.

For the JAG Local Law Enforcement Grant, the Notice of Availability of Funds is mailed to eligible recipients in May with applications due in June. The application is made available for download via the DAC website. The JAG Board meets in August to review and make award decisions. Awards are made for a 6-month period with the award period beginning October 1 and ending March 31. The JAG Local Law Enforcement Grant Program award process is a competitive process. In order to be eligible for funding, the applicant must be an eligible applicant under the grant program, be in good standing with all previous and current grant awards, and meet the requirements of the application process. The JAG board also considers the need and funding history with these grants.

For both award processes, the state administering agency (SAA) staff reviews the applications and provides information to the Board on programmatic and fiscal compliance. Each member of the JAG Board reviews the submitted applications prior to the Awards Meeting. The JAG Board then meets to make the funding decisions based on the strategy and priorities previously listed. At the Awards Meeting, the Board provides an opportunity for applicants to address the Board to answer any questions that the Board may have and provide additional information as needed.

The applicants are notified of the award or denial. The subgrantees that are awarded funds are required to complete and return an award packet and attend a financial and administrative grant training prior to funds being released.

## 2. STRATEGIC PLANNING PROCESS

### **Planning Process and Community Engagement**

As previously indicated, the JAG Board represents a cross section of the state and federal criminal justice agencies in Oklahoma. The JAG Board meets quarterly to provide general oversight for the JAG Program but also to coordinate and collaborate on issues pertaining to the criminal justice system. The majority of the representatives serving on the JAG Board are the executive directors of the criminal justice agencies which comprise Governor Mary Fallin's Safety and Security Cabinet. However, representatives from the Office of Juvenile Affairs, the Department of Education, and the Department of Mental Health and Substance Abuse Services also serve on the JAG Board, as well as partnership agencies, such as the Oklahoma Association of Chiefs of Police and the Oklahoma Sheriff's Association. It is the responsibility of the JAG Board to identify the strengths, weaknesses, and needs of the criminal justice system and through communication, cooperation, and collaboration to enhance and improve the system and services in the most effective, efficient, and economical manner possible in order to guide the funding for the JAG Program.

Prior to establishing the four-year strategic plan in 2008, the JAG Board reviewed a variety of current and pertinent criminal justice data. In addition to this review, the Board conducted an examination of the positive progress occurring in various areas of the criminal justice system as well as the areas of need, obtained input from a statewide Public Hearing, and completed an individual survey on priorities for funding. After a careful review of the input, data, and analysis, the JAG Board made informed decisions concerning the most effective and efficient usage of the limited resources of the JAG funding.

### **Data Review**

In developing the four-year strategy for the JAG Program, a significant review utilizing federal and state-focused reports and data. The following is a partial list of the data which was reviewed:

- Center for Disease Control and Prevention, 2005 Oklahoma Youth Risk Behavior Survey
- Office of the Chief Medical Examiner Annual Report: 2006, January 1 – December 31, State of Oklahoma
- Office of National Drug Control Policy, News and Public Affairs, Early Marijuana Use a Warning Sign for Later Gang Involvement: New Report Shows Teens Who Use Drugs Are More Likely to Engage in Violent and Delinquent Behavior, June 19, 2007
- Office of National Drug Control Policy, Drug Policy Information Clearinghouse, State of Oklahoma: Profile of Drug Indicators, May 2007
- Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Cocaine Fact Sheet, 2007.
- Oklahoma Department of Corrections, Strategic Plan FY2004 -FY2008
- Oklahoma Department of Mental Health and Substance Abuse Services, Needs Assessment Studies, Treatment for Alcohol and Other Drugs
- Oklahoma District Attorneys Council, State Annual Report for the Edward Byrne Memorial Formula Grant Program – July 1, 2002 – June 30, 2003
- Oklahoma Gang Assessment. Northeastern State University, Crime and Justice Institute, 2007
- Oklahoma Intelligence Center, North Texas HIDTA, Oklahoma Drug Threat Assessment and Strategy 2007
- Oklahoma State Bureau of Investigation, State of Oklahoma 2005 Uniform Crime Report

- U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, Emerging Trends in Drug Abuse
- U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, Treatment Episode Data Set (TEDS) 2002-2007
- U.S. Department of Justice, National Illicit Drug Prices December 2006, February 2007
- U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Prisoners in 2002, July 2003
- Women's Prison Association, Institute on Women & Criminal Justice, HARD HIT: The Growth in the Imprisonment of Women, 1977-2004, Oklahoma, July 12, 2007

## **Data Analysis**

***PLEASE NOTE: The data that follows was used to develop the 2008-2012 Strategic Plan. When establishing the 2012-2016 Strategic Plan, the most current data available will be obtained and reviewed.***

### ***Drug Use in Oklahoma***

While all types of illegal drugs are available and abused in Oklahoma, certain drugs, such as methamphetamine, cocaine, and marijuana are a more predominant problem. General drug usage in Oklahoma has been documented through a number of sources including a 2005 National Household Survey on Drug Abuse (NHSDA) that identified about 8% of Oklahoma residents aged 12 years and older abused an illicit drug at least once a month prior to the survey.

The Centers for Disease Control and Prevention (CDC) collects information on health-risk behaviors contributing to the leading causes of death, illness, disability, and social problems among youth and adults in the United States. One of the mechanisms for the collection of this data is through the Youth Risk Behavior Survey (YRBS), a self-reported surveillance method. In 2005, a total of 1,715 students in 9<sup>th</sup> through 12<sup>th</sup> grade participated in the survey. The results of the 2005 YRBS were sufficient to permit the results to be generalized to the entire Oklahoma public high school population.

The following results highlight the prevalence of risk behaviors related to alcohol and drug use reported by Oklahoma high school students:

- Almost half of all students (40.5%) drank alcohol during the 30 days preceding the survey.
- Nearly one-third of all students (26.6%) drank five or more drinks within a two-hour period at least once during the 30 days preceding the survey.
- Nineteen percent (19%) of all students reported using marijuana during the 30 days preceding the survey.
- More than half of 11<sup>th</sup> and 12<sup>th</sup> grade male students have tried marijuana.
- Six percent (6%) of male students in 11<sup>th</sup> grade have used methamphetamines.
- Almost nine percent (9%) of high school students reported using cocaine, including powder, crack, or freebase.
- About ten percent (10%) of male students in 11<sup>th</sup> grade have used cocaine.

- Almost nineteen percent (19%) of students have been offered, sold, or given illegal drugs on school property during the past 12 months.

In a national report from the Office of National Drug Control Policy (ONDCP), teens that use drugs are more likely to engage in violent and delinquent behavior and join gangs. Early use of marijuana, the most commonly used drug among teens, is a warning sign for later gang involvement. The report indicates that teens that use drugs are twice as likely to use other illicit drugs and alcohol, engage in violent behavior, and steal than are non-users. According to ONDCP Director John Walters, “Today’s research shows what many families and communities have had to learn through painful experience: Drug use by teenagers isn’t a “lifestyle choice” or an act of “personnel expression;” it is a public health, and increasingly, a public safety dilemma.

Although overall teen drug use has declined by 23% in the last five years and youth marijuana use is down by 25% over the same time period, more teens use marijuana than any other illicit drug. Research shows that other than alcohol, marijuana is the most widely used substance in gang life, and children who use marijuana are nearly four times more likely to join gangs.

The report also showed:

- One in four teens, or 27%, who used illicit drugs in the past year report attacking others with the intent to harm;
- Nearly one in six teens, or 17% who got into serious fights at school or work in the past year report using drugs;
- Teens who use marijuana regularly are nine times more likely than teens who don’t to experiment with other illicit drugs or alcohol, and five times more likely to steal; and,
- Teens who do abstain from drug use, particularly marijuana use, function better than users during the transition to young adulthood.

## ***Marijuana***<sup>1</sup>

According to the 2007 Oklahoma Drug Threat Assessment Survey, marijuana is the most available drug. Marijuana has historically been a locally grown crop in Oklahoma. However, beginning in the late 1980’s, the Oklahoma Bureau of Narcotics and Dangerous Drug Control (OBNDDC) began the Marijuana Eradication Team which continues today. The project involves OBNDDC agents, along with DEA, the Forest Service, the National Guard, local law enforcement, and others, to eradicate the cultivated crops in the state. The program involves teams of officers who rappel into marijuana fields, seize the plants, make arrests, and conduct the necessary investigations on the growers. OBNDDC also focuses on wild-growing marijuana by using backpack herbicide spray tanks. Since this effort began, it has tremendously decreased the production of local producers of marijuana.

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<sup>1</sup> The information on the availability of drugs in Oklahoma was obtained to compile the 2007 Oklahoma Drug Threat Assessment for the North Texas HIDTA. The Oklahoma HIDTA is under the umbrella of the North Texas HIDTA. In order to obtain a comprehensive picture, a survey was sent to 503 law enforcement entities throughout Oklahoma. The responses represented local, county, state, and federal jurisdictions. Information was also obtained from the Oklahoma Highway Patrol, the Oklahoma Medical Examiner’s office, the Oklahoma Bureau of Narcotics, the Oklahoma State Bureau of Investigation, the Oklahoma Drug Court system, the Central Oklahoma Metro Interdiction Team, NCIC, and the El Paso Intelligence Center.

Unfortunately, the importation of marijuana from Mexico by Mexican drug trafficking organizations and cartels in combination with a number of other illegal drugs has replaced the supply from local distributors. Because of the state's central location to other major metropolitan cities in all directions, Oklahoma is often a transshipment point. Other criminal groups are also involved in the retail distribution of marijuana, such as gangs, criminal groups, motorcycle gangs, and independent dealers.

At one time, the shipment of marijuana into the state occurred most frequently in private vehicles. While this still occurs, large shipments of marijuana and other drugs are often transported in tractor trailer trucks. These vehicles have the ability to move greater quantities of drugs than can be shipped in private vehicles.

During the 2006 JAG award period, the drug task forces arrested 528 individuals for possession of marijuana, 168 for possession with intent to distribute, 20 for trafficking, 73 for distribution, 8 for conspiracy, and 48 for cultivation for a total of 845 marijuana-related arrests. In addition to these arrests, the drug task forces seized 1,945 pounds of marijuana.

Other efforts to combat these transshipment issues include interdiction efforts by the Oklahoma Highway Patrol, the OBNDDC, and the Central Oklahoma Metro Interdiction Team (COMIT). These efforts have also resulted in a significant number of drug trafficking related arrests.

The U.S. Department of Justice's *National Illicit Drug Prices Report December 2006* lists commercial marijuana selling for approximately \$75 to \$90 per ounce or \$500 to \$800 per pound throughout the state.

The Substance Abuse and Mental Health Service Administration (SAMHSA) through the Treatment Episode Data Set (TEDS) found that the admissions to publicly funded treatment units for marijuana have remained fairly stable from 2001 to 2005. In 2005, the number of admissions for marijuana was at a six-year low of 2,755 admissions, a 6% reduction from 2004.

Year	Marijuana Admissions	Percentage of Increase or Decrease
2001	2,832	---
2002	3,005	6.1%
2003	2,878	-4.2%
2004	2,931	1.8%
2005	2,755	-6.0%

### ***Methamphetamine***

According to the 2007 Statewide Drug Threat Assessment, methamphetamine is the second most available drug in Oklahoma. While the threat of methamphetamine has changed significantly since 2004, it appears from the survey results that meth continues to be a considerable problem due primarily to the increased production and distribution by Mexican drug trafficking organizations.

From 1994 to 2002, the number of meth labs increased from 10 to over 1,254 in Oklahoma, a 124.4% increase. At epidemic levels, law enforcement realized that something had to be done to change the tide. A two-day interim study in the House of Representatives was held in which law enforcement, prosecutors, and mental health professionals came together to address the meth lab problem in the state

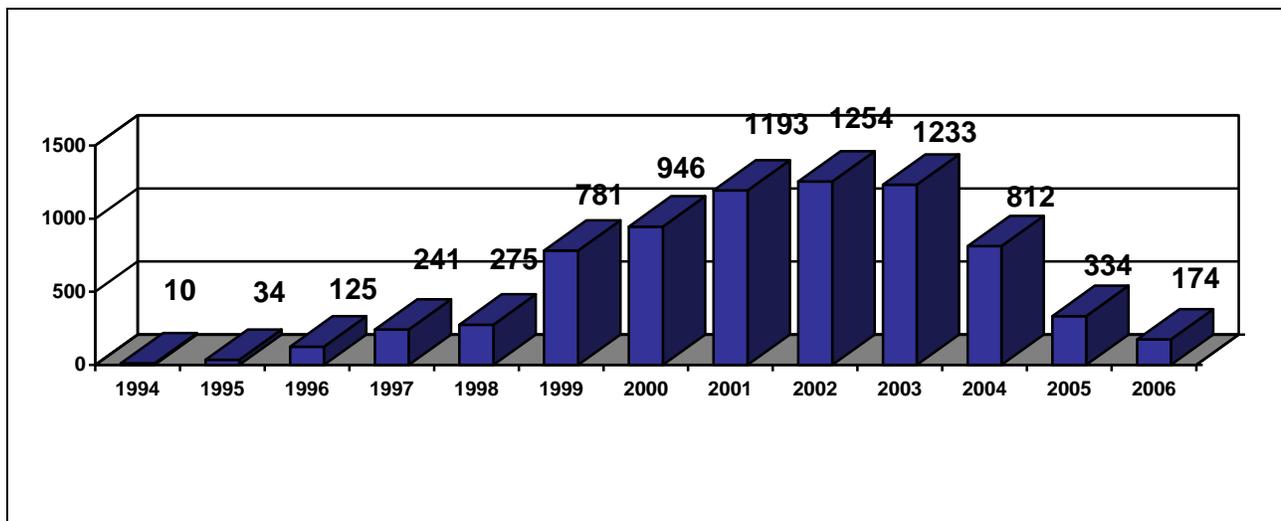
and identify serious solutions to what had become an out of control problem in Oklahoma. House Bill 2176 unanimously passed both the Oklahoma House and Senate and was signed into law by Governor Brad Henry in April 2004.

The bill, also known as the “Nik Green, Rocky Eales, and Matthew Evans Act”, is named after three Oklahoma Highway Patrol Troopers killed in the line of duty in meth related cases. The bill placed pseudoephedrine tablets as a Schedule V controlled substance requiring photo identification and signature prior to sale at a licensed Oklahoma pharmacy. Gel caps, liquid caps, and liquid preparations are exempt from this law. The law requires that pharmacies ensure clients may not exceed the limit of 9 grams in a 30-day period without a prescription.

Following the passage of the legislation, there was a significant drop in the number of meth labs seized. Prior to the passage of the bill, there were 812 labs seized. However, from April to December 2004, there were only 465 meth labs seized. In 2005, the number of meth labs seized decreased to 334 labs. A further decrease was realized in 2006 with only 174 meth labs seized. The OBNDDC reports that the majority of the labs seized between 2004 and 2006 were either dumpsites or glassware only, not operational labs.

With Oklahoma’s success, 44 states have restricted the sales of ephedrine and pseudoephedrine products to varying degrees. In 2005, federal legislation also restricted retail precursor chemical sales. Retail sales restrictions have limited the amount of the precursor chemicals to very small scale users, resulting in a sharp decrease in the prevalence of small methamphetamine labs nationally.

**Methamphetamine Labs Seized in Oklahoma  
1994 - 2006**



With the significant decrease in the number of seized meth labs, one drug task force investigator remarked that while the decrease is positive, one evil has been replaced by another, referring to the importation of meth. Once dominated by motorcycle gangs, other criminal organizations are now the primary wholesalers of meth and other drugs. Approximately 20 Mexican drug trafficking organizations have been identified by the DEA as operating in the Midwest.

According to the OBN, Mexican drug trafficking organizations and Mexican criminal groups use Oklahoma's transportation infrastructure to transport methamphetamine, powdered cocaine, marijuana, and heroin. The close proximity of Oklahoma to the Mexican border as well as the centrality of Oklahoma to the rest of the United States significantly contributes to the highway transportation of drugs into and through the state. Other criminal groups, such as street gangs, independent dealers, and outlaw motorcycle gangs also distribute illicit drugs in Oklahoma. However, these groups are not operating at the sophisticated level of Mexican trafficking organizations.

A trend that is emerging with the importation of meth from Mexico is ice. Ice is meth which has been transformed into a more pure form. It is colorless and odorless and is reported to be the product of choice among users due to the purity and the quality. Like crack cocaine, ice is smoked to produce a euphoric high. In comparison, a puff of crack cocaine impacts its user for approximately 20 minutes, but the high from smoking ice lasts for 12 to 24 hours. Because it is odorless, it can be smoked in public virtually without detection. In a solid form, the drug resembles rock candy or a chip of ice. When lighted in a glass pipe, the crystals turn to liquid and produce a potent vapor that directly enters the bloodstream through the lungs. Ice reverts to a solid state when cooled, making it reusable and highly transportable.

The cost of Mexican imported Ice, according to the U.S. Department of Justice's *National Illicit Drug Prices December 2006*, is \$85 to \$120 a gram, \$750 to \$1,200 an ounce, and \$9,000 to \$20,000 a kilogram.

During the 2006 JAG award period, the drug task forces arrested 515 individuals for possession of methamphetamine, 280 for possession with intent to distribute, 84 for trafficking, 225 for distribution, 93 for manufacturing, 58 for conspiracy, and 71 for attempting to manufacture methamphetamine, for 1,326 arrests. In addition to these arrests, the drug task forces seized 88 pounds of methamphetamine.

The Substance Abuse and Mental Health Service Administration (SAMHSA) reported that in 1993 Oklahoma had 92 methamphetamine addiction admissions to publicly-funded treatment units. Interestingly in 2005, the number of admissions for meth addiction was 4,055. With the number of seized meth labs decreasing one might expect the number of admissions to also decrease due to the lack of availability. However, there has been a steady increase in the number of admissions for methamphetamine addiction. The supply for these addicts is likely the ice that is being imported into the state. The National Institute on Drug Abuse (NIDA) reports that smoking meth or ice may result in more rapid addiction than snorting or injection because smoking causes a nearly instantaneous, intense, and longer lasting high.

Year	Methamphetamine Admissions	Percentage of Increase or Decrease
2001	3,231	---
2002	3,442	6.5%
2003	3,445	0
2004	3,876	12.5%
2005	4,055	4.6%

According to researchers, the need for methamphetamine addiction treatment is critical. Generally, the treatment for meth addiction is not different from that provided to other stimulant addicted individuals; however, the treatment needs to be longer than is typical. Research indicates that the long-term impact of meth on brain function and behavior suggests that longer treatment may be necessary.

In 2006, the Oklahoma Medical Examiner's Office identified 41 deaths in Oklahoma in which methamphetamine was a contributing factor but not necessarily the primary cause of death. This is a 42% decrease from 70 deaths in 2005 and a 51% decrease from 84 deaths in 2004. In 2005, methamphetamine deaths were the third largest category of drug deaths behind methadone and hydrocodone. Methamphetamine deaths represented 14% of the total deaths in Oklahoma and 15% of the total drug-related deaths.

According to the El Paso Intelligence Center, one child in Oklahoma was killed at a methamphetamine lab during 2005. Another 48 children were affected by meth labs in some way.

### **Diverted Pharmaceuticals**

According to the 2007 Drug Threat Assessment, another trend is diverted pharmaceutical drugs. Diverted pharmaceuticals are reported as the third most prevalent problem in the state. Although pharmaceutical diversion has not received as much attention and publicity as the abuse of other drugs, it is a substantial and growing problem. The most common methods of diversion of pharmaceutical controlled substances is the illegal and indiscriminate prescribing of controlled substances, "doctor shopping" by offenders who obtain prescriptions for the same pharmaceuticals from several physicians, forged prescriptions, pharmacy theft, and obtaining controlled substances for personal use by health care professionals by way of fraud.

The most commonly diverted pharmaceuticals in Oklahoma are oxycodone, commonly prescribed as OxyContin, Percodan, Percocet, Alprazolam (commonly prescribed as Xanax), Tylox, and hydrocodone, (commonly prescribed as Lortab, Loricet, and Vicodin).

The Oklahoma Prescription Monitoring Program (PMP) was enacted into law and was designed to deter the abuse of prescription drugs. The statute requires all dispensers of Schedule II, III, IV, and V controlled substances to submit prescription information to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDDC) within 30 days of the time that the controlled substance is dispensed. In the 1990s, OBNDDC was the first in the nation to electronically track Schedule II prescription drugs through the OSTAR Program, Oklahoma Schedule II Abuse Reduction Program.

OBNDDC has redesigned the OSTAR Program to increase functionality and provide limited secure access to authorized law enforcement regulatory and licensing agencies, pharmacies, and practitioners throughout the state. The new system will provide continuity between practitioners, pharmacies, and state law enforcement to help prevent prescription fraud in Oklahoma.

However, even with these advances the problem still persists. During the 2006 JAG award period, the drug task forces seized 19,068 dosage units of diverted prescription drugs. The 2007 Drug Threat Assessment indicated that in the last half of 2006, there were prescriptions issued for 48,766,554 dosages of hydrocodone, 16,053,602 doses of Xanax, 6,788,499 doses of soma, and 4,661,982 doses of methadone. These numbers reflect appropriately prescribed dosages as well as those that are diverted for illegal purposes. However, with more than 76 million dosages, every man, woman, and child in Oklahoma would receive nearly 22 dosages each!

There were 545 drug-related deaths in 2006 according to the Medical Examiner's records. Of these, 99 were from hydrocodone, 130 from Alprazolam, and 143 from methadone.

## ***Crack and Powder Cocaine***

Crack and powder cocaine rank as fourth and fifth, respectively, in availability in the state. Cocaine is a powerful stimulant acting directly on the limbic system, the brain's pleasure center. Cocaine creates a short-lived, but intense, state of euphoria and hyperactivity. Crack cocaine is a highly addictive crystalline powder produced from cocaine.

Cocaine and crack cocaine are generally not produced in the state but are primarily transported to Oklahoma by Mexican drug trafficking organizations. However, independent dealers, as well as African American and Hispanic street gangs, are also involved in the distribution of cocaine. Generally, cocaine is shipped into or through the state via private and rental vehicles.

After the powdered cocaine is transported, it can be changed to crack cocaine through a conversion process. This conversion process converts the cocaine back to a relatively pure base state so it can be suitable for smoking. This method of preparation does not involve the use of heated volatile substances and consequently eliminates the dangers of fire and explosion that can occur in conventional freebasing. After conversion, the product is sold in ready-to-smoke powder. According to the National Institute on Drug Abuse, the euphoric effect produced by smoking crack cocaine is far more intense than if ingested through snorting, and is at least equal to, if not greater than, the effect obtained through injection.

As with all other drugs the cost of powder and crack cocaine will differ depending on a number of variables. According to a U.S. Department of Justice Report, *National Illicit Drug Prices December 2006*, the price of powder cocaine in the Oklahoma metropolitan areas averages approximately \$80 to \$100 for a gram, \$650 to \$1,200 for an ounce, and \$18,000 to \$22,000 per kilogram. For crack cocaine, the average price for a "rock" is approximately \$5 to \$50. An ounce of crack cocaine will generally cost between \$600 and \$1000.

In 2005, the OBNDDC, OHP, and COMIT interdiction units seized 625 pounds of cocaine and 1,006 pounds of cocaine, much of which was destined for another state. During the 2006 JAG award period, the drug task forces arrested 148 individuals for possession of cocaine or crack cocaine, 39 for possession with intent to distribution, 99 for trafficking, 75 for distribution, and 23 for conspiracy for a total of 384 cocaine/crack cocaine-related arrests. In addition to these arrests, the drug task forces seized 2,308 pounds of cocaine and/or crack cocaine.

From 2000 to 2004, the Substance Abuse and Mental Health Service Administration (SAMHSA) through the Treatment Episode Data Set (TEDS), determined that the admission to publicly funded treatment units for cocaine addiction was increasing. In 2005, the number decreased to just over 2,000 admissions which reflected a 4% reduction.

Year	Cocaine Admissions	Percentage of Increase or Decrease
2000	1,345	---
2001	1,654	18.7%
2002	1,751	5.5%
2003	1,711	-2.3%
2004	2,146	20.3%
2005	2,057	-4.3%

In Oklahoma City, the number of deaths where cocaine was a contributing factor in 2006 was 52 according to the Oklahoma State Medical Examiner's Office. This number is 40.5% higher than the record of 37 cocaine-related deaths in 1996.

### **OTHER DRUGS**

Other dangerous drugs ranked sixth in the 2007 Drug Threat Assessment. These drugs may include MDMA, LSD, PCP, and GHB. While less available than diverted pharmaceutical and other illegal drugs, the attraction of these drugs to adolescents elevates the concern associated with them.

MDMA is one of the most popular recreational synthetic psychoactive drugs, most commonly known as ecstasy or X. It has gained popularity over the past 20 years because of its ability to produce strong feelings of comfort, empathy, and connection to others. It most frequently comes in tablet form, although it is occasionally sold in capsules or as powder. MDMA use is closely tied to underground raves and dance parties. Ecstasy pills are notoriously unreliable in content, much more so than most other street drugs, and are often mixed with a wide variety of adulterants that can cause a variety of negative side effects both unpleasant and dangerous. MDMA has the potential to be psychologically addicting. Individuals who use it regularly may find they have an increased desire to continue using it. There is a short period of tolerance after MDMA use. Using MDMA two days in a row is likely to lead to a greatly diminished experience the second day. Some users report noticing reduced effects for up to 2 or 3 weeks after initial use.

During the 2006 JAG award period, the drug task forces arrested 10 individuals for possession of club drugs, 2 for possession with intent to distribute, 4 for trafficking, and 4 for distribution. In addition to these arrests, 263 dosage units of ecstasy were seized and 5 grams of PCP. Traditionally, these type of drugs are less of a focus for drug task forces than other types of illegal drugs so the numbers are quite small. OBNDCC interdiction agents seized a bulk shipment of 139 pounds of MDMA on I-40 which was believed to be destined for the east coast.

The cost of MDMA, according to the U.S. Department of Justice's *National Illicit Drug Prices December 2006*, is \$7-8 a tablet for wholesale, \$8-\$12.50 a tablet for midlevel, and \$15 to \$25 a tablet for retail.

### **HEROIN**

Heroin is the last on the list of availability of the eight drug types, according to the 2007 Drug Threat Assessment. The users of heroin have typically been a small underground set of users and have been less of a threat because they are low profile and are not as problematic to law enforcement as other drug users. Mexican drug trafficking organizations are primarily responsible for the heroin distribution in Oklahoma. Mexican tar heroin got its name from the black tar-like appearance. Heroin consists of

the leaves, stalk, and other products contained in the opium poppy. Because heroin must be broken down from its pure state, it is not uncommon to find such things as baking soda, laundry starch, drain cleaner, and powdered rat poison mixed in.

The price of heroin is considerably lower now than in the past. Many cocaine users are switching to heroin because of the lower cost, reports the OBNDDC. Some addicts take cocaine and heroin together. This has resulted in many deaths, including actors John Belushi and River Phoenix. Heroin doesn't have the same stereotype associated with it as it used to. It is now seen as a "chic" drug. The purity of the drug is so high that it can now be snorted and needles are no longer required. It can also be injected or smoked.

According to a U.S. Department of Justice Report, *National Illicit Drug Prices December 2006*, the price of Mexican black tar heroin in the Oklahoma metropolitan areas averages approximately \$900 to \$2,500 an ounce or \$45,000 a kilogram.

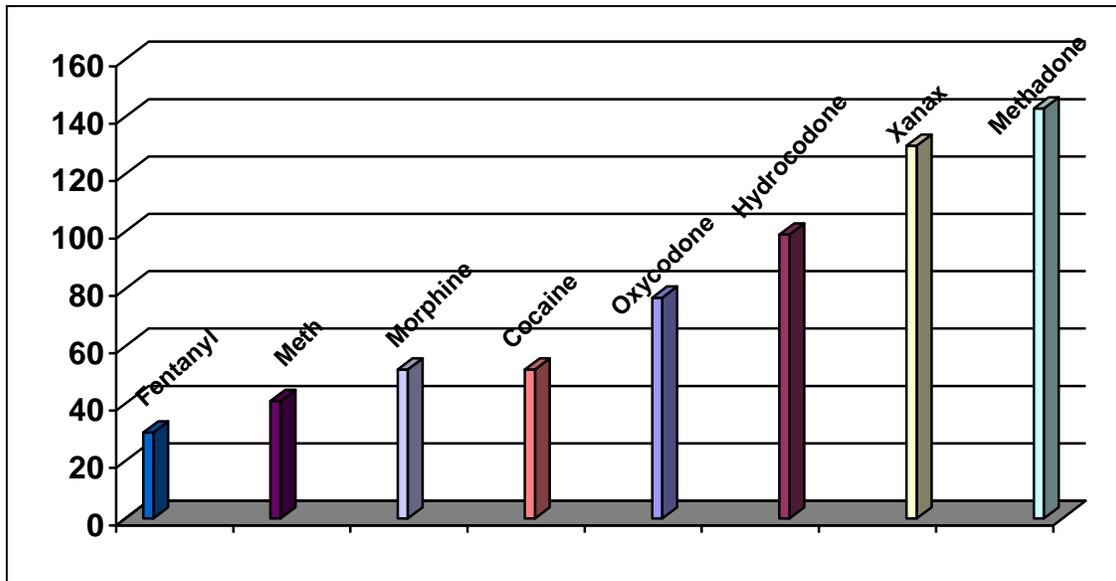
From 2000 to 2005, the Substance Abuse and Mental Health Service Administration (SAMHSA) through the Treatment Episode Data Set (TEDS), stated that the admission to publicly funded treatment units for heroin addiction has continually fluctuated. In 2005, the number decreased to 93, the lowest number in five years.

Year	Heroin Admissions	Percentage of Increase or Decrease
2000	139	---
2001	182	30.9%
2002	134	-35.8%
2003	154	14.9%
2004	135	-12.3%
2005	93	-31.1%

### **Drug Overdose Deaths in Oklahoma**

According to the Office of the Chief Medical Examiner, there were 545 drug-related deaths in Oklahoma in 2006. A death may involve more than one drug so the drugs related to these deaths is more than the total number of deaths. Of the deaths, 41 involved methamphetamine, 52 deaths were cocaine related, 77 involved oxycodone, 99 involved Hydrocodone, 130 involved Xanax, and 143 deaths involved methadone.

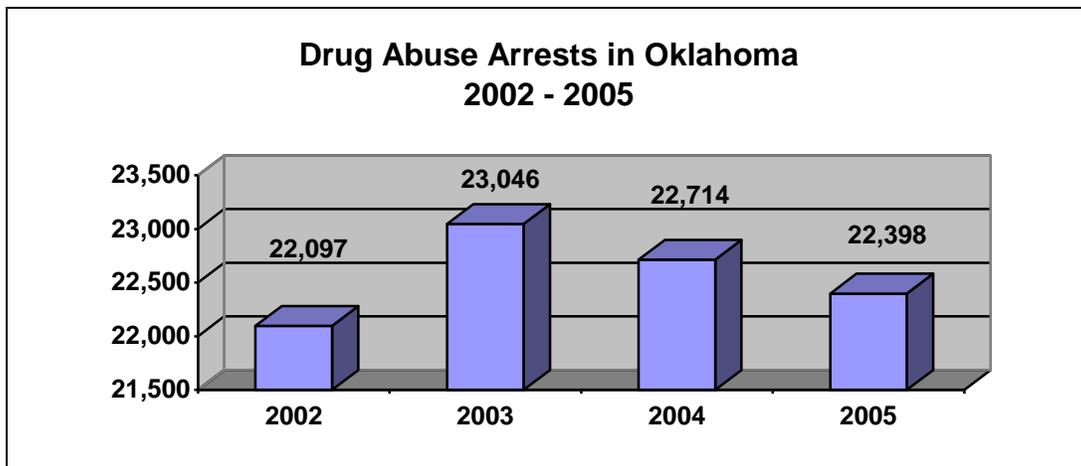
### **DRUG-RELATED DEATHS IN OKLAHOMA 2006**



The data indicates there has been a steady increase in the number drug overdose deaths involving oxycodone. In 2000, there were 18 oxycodone related overdose deaths. In 2004, there were 33, 58 in 2005, and 81 in 2006.

### ***Drug Arrests in Oklahoma***

Over the last four years, the number of drug abuse arrests in Oklahoma has remained relatively stable, fluctuating between 22,000 and 23,000 arrests statewide.



In 2005, there were 22,398 arrests in Oklahoma for drug abuse violations. Of that number 7.4% were persons under the age of 18. Possession of marijuana constituted 47.8% of the total number of arrests, while sale of marijuana accounted for 5.4% of arrests. The possession of opium, cocaine, and derivatives comprised 14.6% of the total drug abuse arrests. The sale of opium, cocaine, and derivatives equaled 2.3% of the total number of drug abuse arrests.

### ***Gang Activity in Oklahoma***

According to O.S. Title 21, Section 856(F) a criminal street gang is defined as “Any ongoing organization, association, or group of **five** or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;
2. Aggravated assault and battery as defined by Section 646 of this title;
3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;
4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;
5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;
6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2 - 101 et seq. of Title 63 of the Oklahoma Statutes;
7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the Oklahoma Statutes;
8. Arson, as defined in Sections 1401 through 1403 of this title;
9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;
10. Theft of any vehicle, as described in Section 1720 of this title;
11. Rape, as defined in Section 1111 of this title;
12. Extortion, as defined in Section 1481 of this title;
13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;
14. Transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of this title; Possession of a concealed weapon, as defined by Section 1289.8 of this title; or
15. Shooting or discharging a firearm, as defined by Section 652 of this title.”

Until the fall of 2006, Oklahoma law enforcement officials did not fully comprehend the nature or degree of gang-related criminal activity occurring within Oklahoma borders. Agencies may have been aware of activity within its jurisdiction, but 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 combined forces with the three U.S. Attorneys to create Oklahoma’s first comprehensive gang survey. Once created, the Oklahoma District Attorneys Council mailed the “Oklahoma Gang Survey” to every major law enforcement agency in Oklahoma during the fall of 2006. Officers who did not respond received a second, follow-up mailer and were urged to complete the survey at various summit meetings, seminars and conferences. Six hundred and thirty-five surveys (635) were distributed and 345 gang surveys were returned which represents an *overall officer response rate of 54.3%*.

A snapshot of law enforcements' perception of gang-related criminal activity in Oklahoma was compiled through the data that was collected.<sup>2</sup> Gangs are dynamic and rapidly change in magnitude and complexion. The 2007 Oklahoma Gang Survey Assessment Report reveals 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. It is imperative to understand that 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. Any major gang suppression efforts must be well coordinated where local, state, and federal law enforcement collaborate on the investigation, apprehension and prosecution of Oklahoma gang members.

The 2006 Oklahoma Gang Survey indicates 1,006 gang sets with an estimated strength of 13,477 gang members operating within Oklahoma borders. A gang set is an autonomous subgroup that may or may not be affiliated with a larger, national or international gang. However, affiliation with a larger gang is unknown in most cases. These smaller subgroups, or cells, are most often referred to as sets. In Hispanic gangs, the subgroups are often called "cliques." Often, these sets or cliques will reflect the street name (such as 107 Hoovers) or the barrio (neighborhood) in their name (i.e., Compton Crips). Active gang sets and associated criminal activity were reported in urban, suburban, and rural areas stretching across the entire state.

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. In addition, the 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.

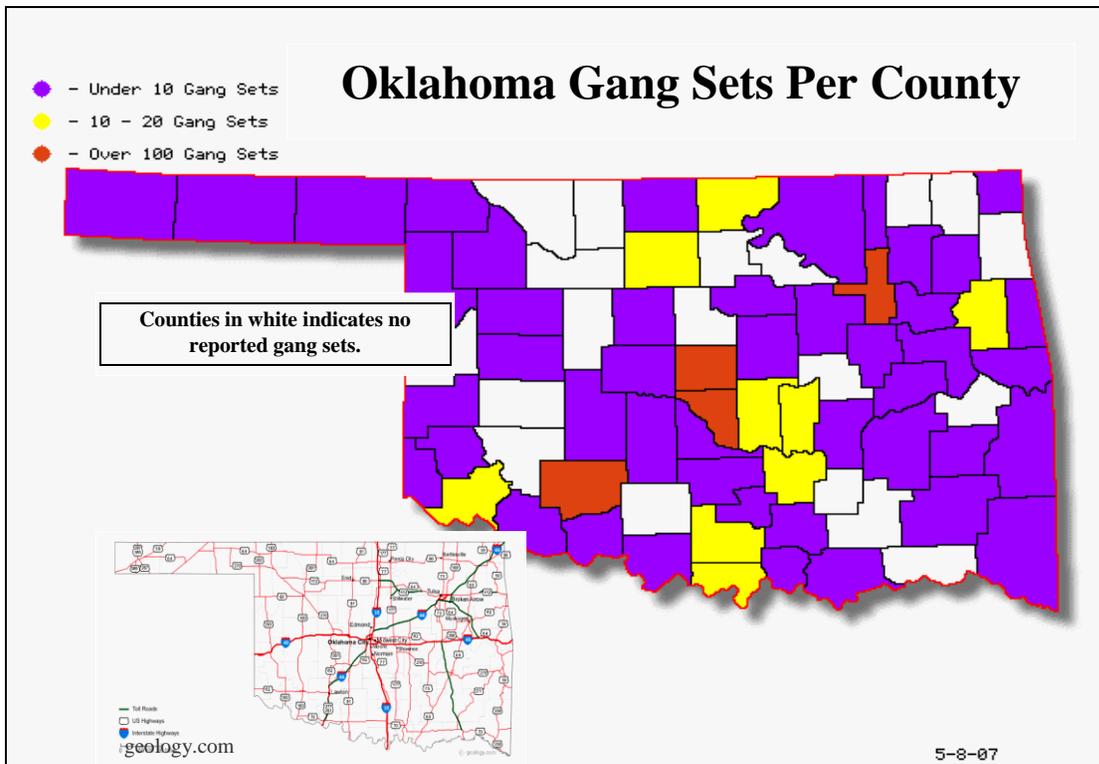
As a result of an overall lack of training of officers coupled with a lack of tracking of gang activity by agencies, arrestees who perpetrate crimes might never be identified as actual gang members. Therefore, the numbers of gang sets and gang members are most likely underreported by Oklahoma law enforcement 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 is that each of the four counties reported more than 100 gang sets operating in each of these counties.

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<sup>2</sup> Emphasis is placed on the word "perception" in that the numbers are law enforcement "estimates" based on training, experience and expertise in identifying characteristics of gang members. A more accurate gauge of gang-related criminal activity would be an evaluation of all arrestees based upon a standardized, certification (validation) format. However, law enforcement agencies have not yet adopted a standardized gang certification instrument for the state of Oklahoma.

Equally surprising is the fact that no county reported to have between 21 and 99 gang sets operating within their jurisdictions. Nine counties reported between 10 and 20 gangs. These are Carter, Cherokee, Garfield, Jackson, Kay, Love, Pontotoc, Pottawatomie, and Seminole Counties. Forty-five (45) counties reported 10 or less gang sets operating within their jurisdictions, including Adair, Beaver, Beckham, Bryan, Caddo, Canadian, Cimarron, Cotton, Creek, Custer, Dewey, Ellis, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jefferson, Johnston, Kingfisher, Latimer, LeFlore, Lincoln, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Okmulgee, Osage, Ottawa, Payne, Pittsburg, Pushmataha, Rogers, Sequoyah, Texas, Tillman, Wagoner, Washington and Woodward Counties.



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.

Gangs are rapidly evolving into highly organized and sophisticated criminal organizations. Geographically, they seek to stakeout territories for drug distribution and other gang-related criminal activities. Generally, street gangs are most often divided into smaller subgroups or cells commonly classified as sets or cliques. African-American gangs refer to these subgroups as cells or sets, whereas Hispanic gangs refer to these subgroups as cliques. The gang subgroups are often identified by territorial boundaries such as residential areas, street names or barrios (neighborhoods).

The sets or cliques will mark their territory most often with graffiti and violently defend that territory against aggressive acts by rival gangs. In many cases, gangs respect the territory of another gang *unless* there is a profit to be made through some criminal activity.

Most often, gangs are divided into African-American gangs, Hispanic gangs, Asian gangs, motorcycle gangs, and hate gangs. However, it should be noted that some gangs included within this type breakdown are not allies but are enemies, at least until confronted by law enforcement officials. Then, even rival gangs have been known to unite to combat aggressive suppression efforts displayed by local law enforcement agencies.

Oklahoma gangs are responsible for a broad range of criminal activity. Drug possession and trafficking, violent assaults, larceny, weapons offenses, burglaries, and auto thefts appear at the top of crimes committed by gangs in Oklahoma. Some crimes were not included on the list of crimes when the original survey was implemented.

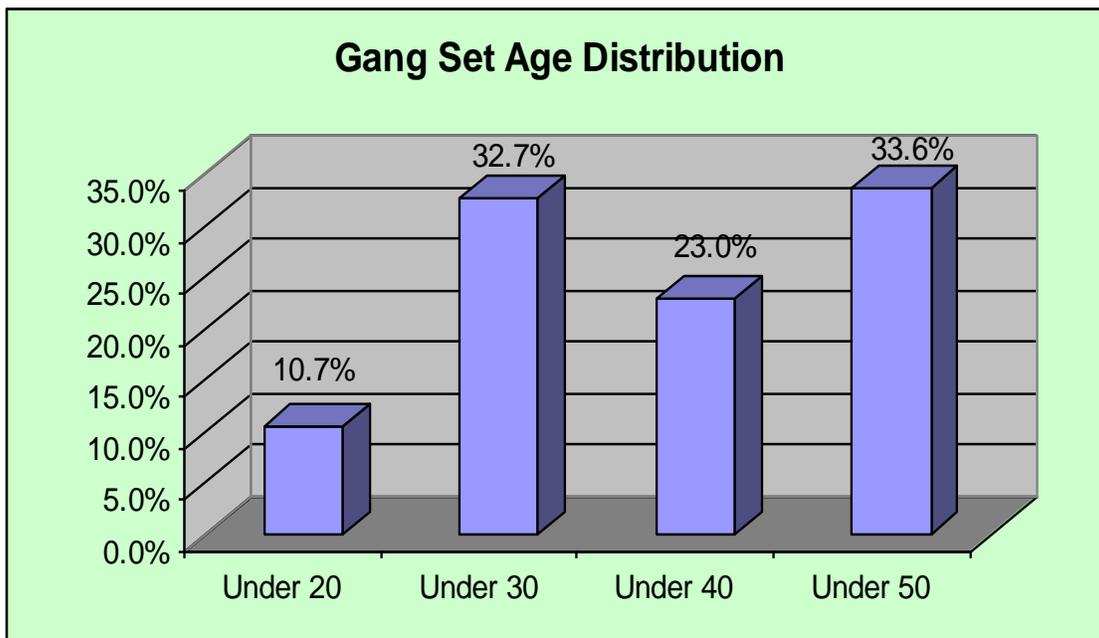
<b>CRIMES COMMITTED BY OKLAHOMA GANG SETS*</b>			
<b>Ranking</b>	<b>Primary Crimes</b>	<b>Number of Gang Sets Reported Committing the Crime</b>	<b>Percentage</b>
<b>1</b>	Assault	424	70%
<b>2</b>	Drug Possession	365	60%
<b>3</b>	Larceny/Theft	344	57%
<b>4</b>	Weapons Offenses	296	49%
<b>5</b>	Vandalism	280	47%
<b>6</b>	Burglary	253	42%
<b>7</b>	Drug Trafficking	245	41%
<b>8</b>	Auto Theft	187	31%
<b>9</b>	Robbery	169	28%
<b>10</b>	Murder	94	16%
<b>11</b>	Other	77	13%
<b>12</b>	Sexual Assaults/Rapes	70	12%
	Drive By Shootings <sup>3</sup>	<i>Not listed on the survey.</i>	
	Credit Card Theft	<i>Not listed on the survey.</i>	
	Dealing in Stolen Goods	<i>Not listed on the survey.</i>	
	Breaking and Entering	<i>Not listed on the survey.</i>	

\*The data pertains only to those law enforcement agencies reporting gang problems Gang Set Response n=602.

<sup>3</sup> Oklahoma officers included drive by shootings in the assault category.

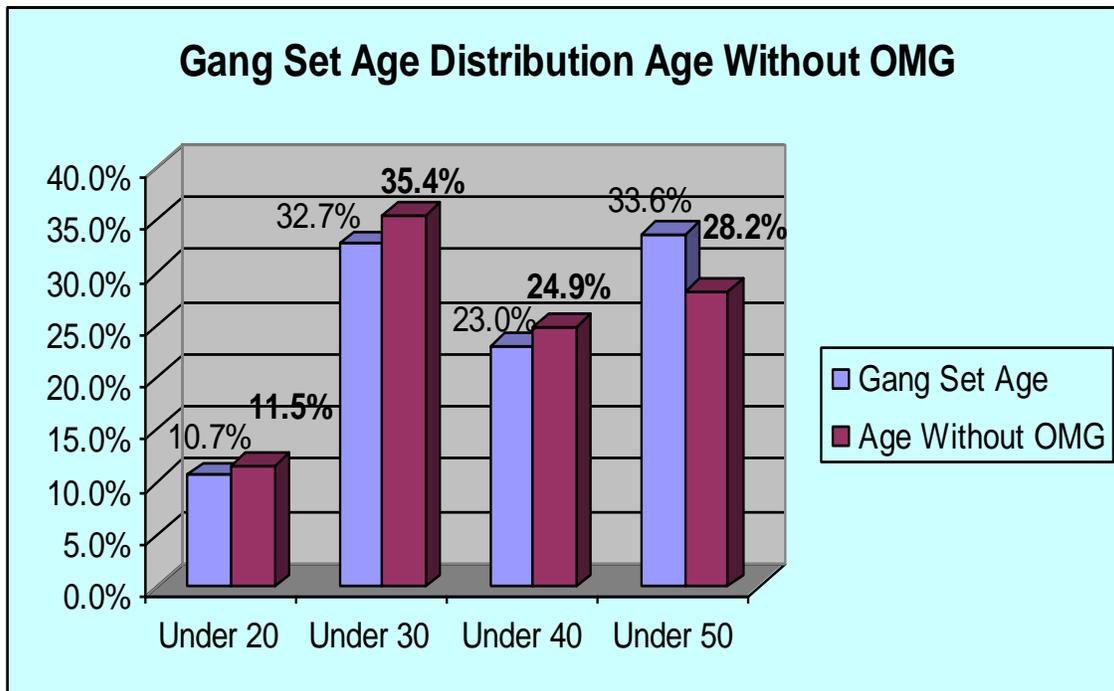
Many Oklahoma counties are encountering the presence of third-generation gang members, reporting that many gangs have been operating in their jurisdictions for over 30 years. From the survey, officers indicated that children are exposed to gang activity at an early age due to not only the ever growing numbers of gang members in Oklahoma, but also due to parents, siblings, or other family members who are reported to be known gang members.

This aging and stability of gang sets contribute to the fact that many Oklahoma gang members were somewhat older than what might be expected. According to the survey, only 10.71% of Oklahoma gang sets were classified as gang sets with gang members predominately under twenty years of age. At the opposite end of the spectrum, 56.6% of Oklahoma gang sets reported members over 30 years of age.



However, Oklahoma's older outlaw motorcycle gang sets skew the numbers to some degree. When removed, 46.9% of Oklahoma's gang sets are predominantly composed of members aged 30 and under, whereas only 28.2% of Oklahoma gang sets have members 50 years of age and older.

Regardless of whether the outlaw motorcycle (OMG) gangs are included or removed, Oklahoma gang sets appear to be well established and capable of extremely sophisticated criminal operations. This maturity and sophisticated structure further contributes to the ability to conceal the actual gang leadership that stands to profit from the gang's criminal activities, thus making gang-related criminal activities more difficult to detect and eliminate.



Interviews with gang members indicate that the reasons behind joining a gang are generally not conscious and vary with the individual. It is suggested that one of the many reasons for joining a gang is the identity that is obtained through the gang culture. Often, gang members perceive that by joining a gang there is protection against the outside world. This may very well be true when multiple rival gangs operate within a community. Protection from violence and attack is provided through gang membership and involvement.

Studies also indicate that a family structure is often lacking in the lives of the youth that become involved with gangs. If a sense of family is lacking, the closeness and protection that would typically be available within the family is instead offered through gang involvement. This is often more attractive than any negative consequences that may be a result of gang association. There is often an intimidation factor involved, as well. Young new members may be forced to join in order to fend off assaults and threats of assaults, either to themselves or family members.

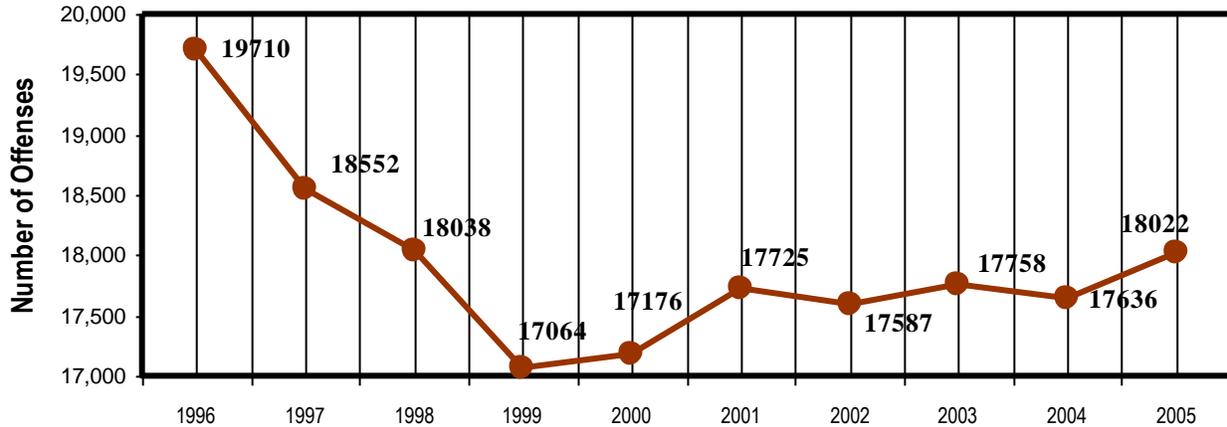
Due to Oklahoma's massive interstate highway system, transient and migrant gang activity is expected. Seventy-eight percent (78%) of responding agencies reported that their gang members migrated into their jurisdictions from other states. Most frequently, Chicago, Los Angeles, Kansas City, Little Rock, San Antonio, and New Orleans were the primary cities from which gang migration was reported, with California and Texas being the largest feeder states. Mexico and El Salvador were also cited as countries from which gang members migrate to Oklahoma.

### **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 2004, the number of violent crime remained relatively stable. However, in 2005, there was a 2.2% increase in the number of violent crimes reported, from 17,636 in 2004 to 18,022 in 2005.

**VIOLENT CRIME IN OKLAHOMA  
1996-2005**



In 2004, according to the U.S. Census Bureau, Oklahoma ranks 14<sup>th</sup> in the nation in the number of violent crimes committed based on the population. There are 342 crimes per 100,000 in Oklahoma. Considering the state’s population ranking is 28<sup>th</sup> in the nation, the ranking for violent crimes is unsettling.

**Homicide**

Oddly, the number of homicides that occurred in 2004 was also the number that was reported in 2005. There was no increase in this area of violent crime. Murders accounted for 1% of all violent crimes reported. Of the 187 murders that were committed, 153 were cleared by arrest or exceptional means, representing a clearance rate of 81.8%. The highest number of murders during the last ten years occurred in 1999 when there were 231 murders.

<b>HOMICIDES IN OKLAHOMA 1996 - 2005</b>	
<b>YEAR</b>	<b>TOTAL</b>
1996	223
1997	229
1998	204
1999	231
2000	181
2001	185
2002	163
2003	206
2004	187
2005	187

Nearly 73% of the murder victims were male and 27% were female. Approximately 61% of the victims were white, 34.2% were black, 4.3% were Native American, and .5% were Asian. The most common age of the victim ranged from 20 to 29.

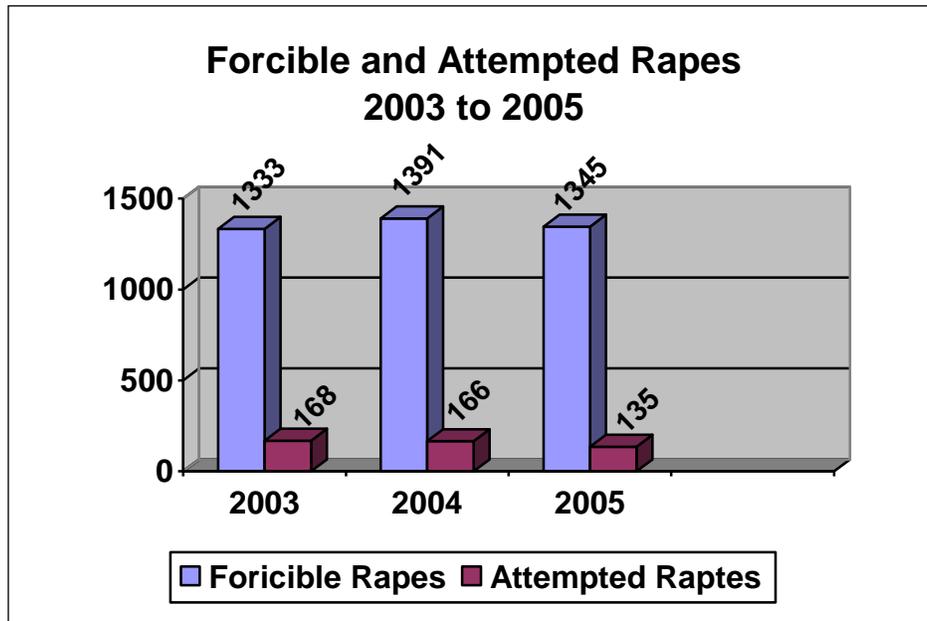
Firearms were employed in 69% of all reported murders. The use of a knife or other cutting device was involved in 10.2% of the murders. The murder of one family member by another accounted for 28, or 15% of all murders. Of the 187 offenses, 4.3% resulted from one spouse killing another.

**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.

In the UCR reporting statistics, rape is divided into (1) rape by force and (2) attempts to rape. In 2005, there were 1,480 reported forcible and attempted rapes, a 4.9% decrease from the number reported in 2004. This accounted for approximately 8.2% of all violent crimes that were reported. A total of 728 rapes were cleared by arrest or exceptional means, resulting in a clearance rate of 49.2%.

Of the persons arrested for rape, 46.3% were under the age of 25. Slightly more than 65% were white, 27.4 were black, 6.3% were Indian, and .9% were Asian.



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

### Robbery

According to the 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 3,229 robberies were reported by law enforcement agencies in 2005, which accounted for 17.9% of all violent crimes. There were 960 robberies cleared resulting in a clearance rate of 29.7%.

The highest percentage of persons arrested for robbery was in the 25 to 29 age category. The largest number of actual offenses, 38.9% or 1,255, occurred on the highway (street, alleys, etc), followed by a residence. Armed robbery with any type of weapon occurred in 61.8% of the offenses.

### Aggravated Assault

The Oklahoma State Bureau of Investigation defines aggravated assault as an 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.

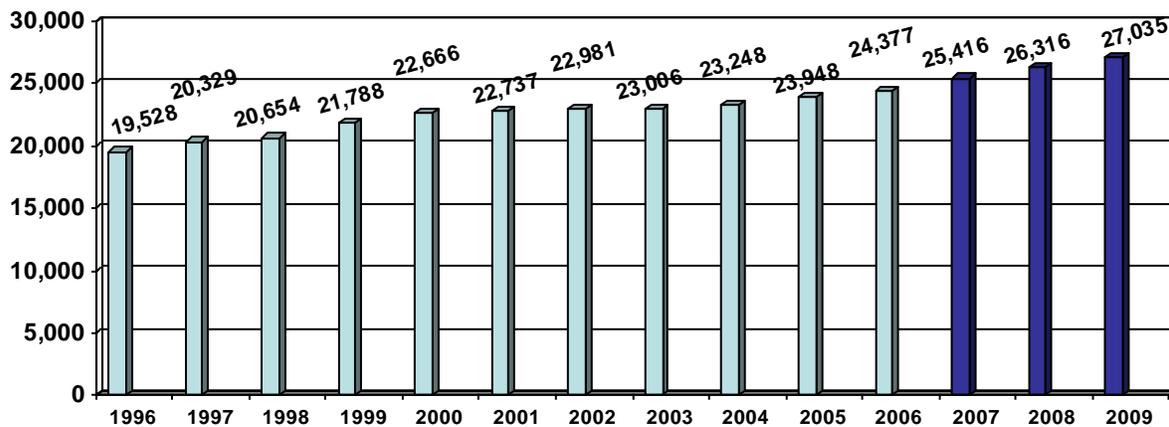
A total of 13,126 aggravated assaults were reported by law enforcement agencies in 2005. Aggravated assaults account for 72.8% of all violent crimes. A total of 6,628 aggravated assaults was cleared by arrest or exceptional means, representing a clearance rate of 50.5%. Again, the 25 year-old to 29 year-old age group accounted for 14.6%, the highest percentage of persons arrested for aggravated assault. Of all persons arrested, 65.7% were white, 23.5% were black, 10% were Indian, and .8% were Asian.

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

Consistent with prison growth in nearly every state, the prison population in Oklahoma has increased every year since 1980. Even with the decrease in the crime rates during the 1990’s the prison population has steadily increased every year for the past two decades. This is, in part, because Oklahoma now has fewer mechanisms to control the prison population. Many of the controls that were once available were eliminated after a 1996 killing spree by an offender on an early release program. In addition, lawmakers passed laws that forced certain offenders to serve at least 85% of their sentences. Given this change, time served for violent offenders is increasing.

In fiscal year 2006 there were 24,377 inmates who were in the custody of the Department of Corrections. Oklahoma experienced about a 1.7% increase in the prison population between 2005 and 2006. 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**



The number of women in state prisons has grown exponentially in the past three decades. According to a report from the Women’s Prison Association, the incarceration of female offenders is growing at a rate more than twice the rate of the male population. Oklahoma’s prison population during this time grew from 172 in 1977 to 2,300 in 2004, the 12<sup>th</sup> highest increase in the nation.

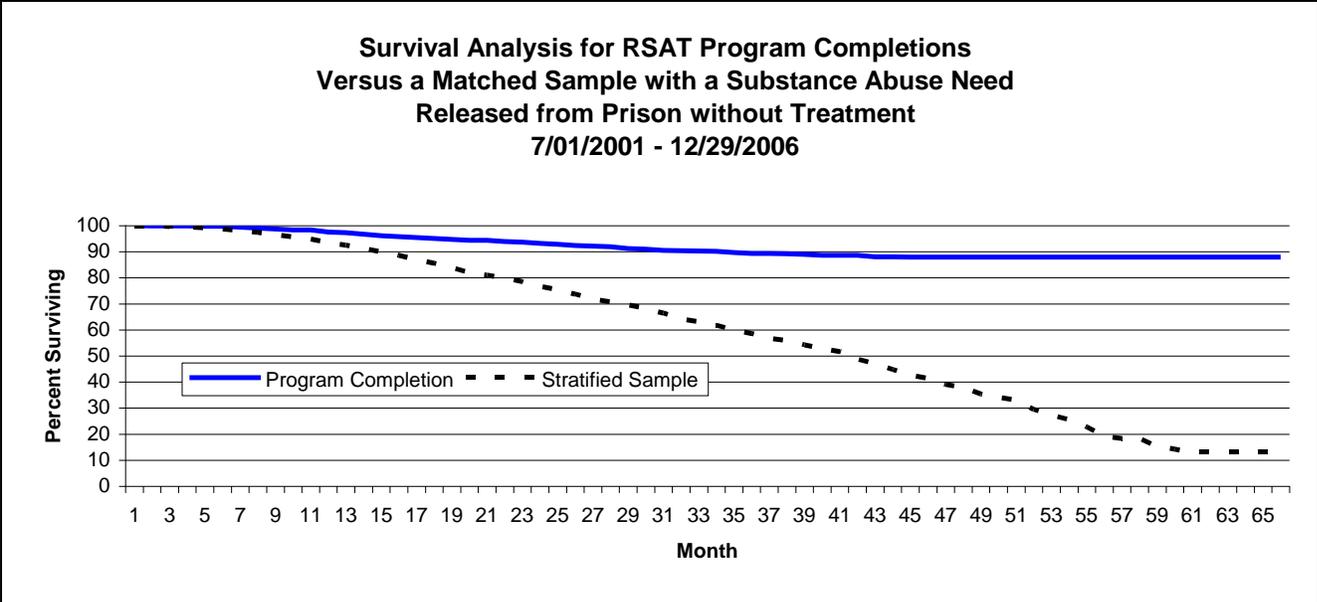
When comparing the number of male inmates to the number of female inmates, the number of female inmates is increasing at a faster pace. In 1997, Oklahoma's ratio was 23 male prisoners for every female; however, in 2004, that number decreased to 9 male prisoners for every one female prisoner, somewhat lower than the national average of 13 to 1.

Per capita, however, Oklahoma ranks the highest in the nation in imprisoning women. Oklahoma incarcerates 129 women per 100,000 in the population. According to the report, most of the increases in female imprisonment can be traced to drug offenses, most notably methamphetamine use.

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, 2006, there were 12,175 offenders in custody that had been identified as having a need for substance abuse treatment. This represents approximately 50% of the total number of 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 65 months, RSAT graduates had a survival rate of 87.68% with a recidivism rate of 12.32%. By comparison, those offenders that had a similar need for substance abuse treatment but did not receive treatment had a survival rate of only 12.99% with an 87.01% recidivism rate*** as the chart indicates.



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. In 2007, the State of Oklahoma received only \$163,521 to implement the RSAT Grant.

***LOCAL LAW ENFORCEMENT***

Local law enforcement has the primary responsibility for protecting citizens in Oklahoma from crime and violence. Oklahoma has 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 with 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 left struggling to just 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.

The State of Oklahoma has a history of using Local Law Enforcement Block Grant funds for the purpose of procuring equipment for local and tribal law enforcement. With the creation of the Justice Assistance Grant, the JAG Board continued this funding tradition. However, with the dramatic reduction in JAG funding 2006, this goal was eliminated. Fortunately, an increase in funding in 2007 allowed a limited reinstatement of funds for this purpose.

### **2012 – 2016 Strategic Planning Process**

In 2011, the JAG Board will be establishing a new four-year strategic plan utilizing a community engagement model. The DAC is coordinating with the National Criminal Justice Association (NCJA) for training which will occur in November 2011. One of the components of the strategic plan that could be enhanced is obtaining more community input into the strategic planning process. It is anticipated that the DAC, in conjunction with the JAG Board, will utilize a statewide survey to gather data on the gaps in services in the criminal justice system as well as the priorities for funding from criminal justice professionals throughout the state. In addition, a Public Hearing format may continue to be utilized to gather information. Finally, the JAG Board will review recent and relevant data to analyze the criminal justice needs in Oklahoma. It is anticipated that a new strategic plan will be finalized by February 2012.

## **3. COORDINATION EFFORTS**

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.

### **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. Through the RSAT Board, the District Attorneys Council ensures coordination between the RSAT Program and the JAG Program.

The Department of Corrections (DOC) previously received \$1,090,305 in funding through the BJA's Serious Violent Offender Reentry Initiative Grant (SVORI) Grant Program targeting high risk offenders that are being released. The Department of Corrections 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, the DOC continued to pursue a new Prisoner Reentry Initiative (PRI) which was funded in 2008. The PRI Grant focuses on implementing wraparound reentry services in Tulsa County and is coordinated with current RSAT funding through provision of aftercare and other reentry services for RSAT program graduates returning releasing 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" and the subsequent "Workplace and Community Transition Training for Incarcerated Individuals" 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 previously dedicated to drug testing supplies for RSAT programs. VOITIS grant funding has ended so no further VOITIS funds will be used for that purpose.

Services were also coordinated with a grant through the Oklahoma Department of Mental Health and Substance Abuse Services from the Substance Abuse and Mental Health Services Administration (SAMHSA) under the Access to Recovery Program. Part of that funding was dedicated to coordination of services for those incarcerated in the Department of Corrections with a history of methamphetamine use, and place emphasis on services that address methamphetamine use and aid reintegration into communities. These services were also linked with RSAT programs in the Department of Corrections.

In addition Oklahoma Department of Corrections has continued to coordinate RSAT funding with Byrne JAG and JAG ARRA funding to continue current RSAT programs while adding additional prison based treatment programs using evidence based models. Aftercare for prison based treatment programs has also been coordinated to the extent applicable to new Second Chance Act Demonstration grants for male offenders returning to Oklahoma County received in 2009 and will be coordinated with the recently received Second Chance Act Demonstration grant funding focused on female offenders returning through Tulsa Community Women’s Reentry Project

Additionally, the Oklahoma Department of Corrections continues to receive reimbursements under the State Criminal Alien Assistance Program (SCAAP). Some of those funds could 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 93 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 and Violent Crime Task Forces as well as the gang prosecution program. The District Attorneys Council utilizes JAG administrative funds to send local and Drug and Violent Crime Task Force members to the Oklahoma Gang Investigators Association conference, thus bridging the knowledge gap as well as the collaboration with these two issues.

## **4. PLAN FOR COLLECTING AND SUBMITTING PERFORMANCE MEASUREMENT DATA**

Currently, the District Attorneys Council requires a bi-annual progress reports from the subrecipients in order to collect and report performance measurement data. The subgrantees must submit narrative reports which are based on the funded project and the approved goals and objectives. In addition, narrative information on grant successes and barriers is required. However, Multijurisdictional Drug and Violent Crime Task Forces must also submit an additional four-page detailed report which requires the following:

- Federal Agency Coordination
- State Agency Coordination
- Local Agency Coordination

- Assists to Law Enforcement
- Number of Full-Time Personnel Funded
- Number of Part-Time Personnel Funded
- Number of Cases Prior to Reporting Period
- Number of Cases Initiated
- Number of Cases Closed
- Number of Cases Dropped
- Number of Cases Pending
- Number of Non-Drug Arrests
- Type of Violent Crimes Investigated
- Number of Search Warrants Served
- Number of Meth Related Search Warrants Served
- Number of Arrests Per Drug Offense Type
- Number of Firearms Seized
- Number of Meth Related Sites Mitigated or Cleaned Up
- Number of Illegal Immigrants Arrested in Conjunction with a Drug Arrest
- Number of Drug Offense Charges Per Offense Type
- Amount/Type of Drugs Removed
- Number of Prevention Programs Conducted
- Number of Professionals Trained
- Number of Law Enforcement Trainings Provided
- Number of Law Enforcement Professionals Trained

The DAC Grant Specialist forwards the bi-annual progress report to the project director of the grant one month prior to the deadline for the report which is January 31<sup>st</sup> and July 31<sup>st</sup>. The project director is required to complete and return the report. Submitting the bi-annual progress report is a Special Condition of the grant and a requirement of the subrecipients. If this performance measure data is not provided, subrecipients are put on draw hold and are not allowed to draw any funds until the report is submitted.

In addition to the bi-annual progress report, the subgrantees are required to complete the Performance Measurement Tool (PMT) on a quarterly basis. The PMT is a Bureau of Justice Assistance (BJA) online data collection system. The reporting of the performance measures is comprised of two sections, the numerical data and narrative information. The numerical data is reported by the subgrantee for activities that occurred during the previous quarter, and the narrative information is reported annually by the grantee for the previous 12 months of activities.

Once the PMT data is completed by the subgrantee, the DAC Grant Specialist reviews the information and creates a report from the data entered. Annually, the aggregate PMT report which contains 12 months of numerical and narrative information is submitted into the federal Grants Management System (GMS). The data submitted into PMT by the subgrantee is individualized based on the approved budget categories for each subgrantee. JAG-Local Law Enforcement Grant data is entered directly into the PMT by the DAC Grant Specialist. Again, Submitting the PMT data is a Special Condition of the grant and a requirement of the

subrecipients. If this performance measure data is not provided, subrecipients are put on draw hold and are not allowed to draw any funds until the report is submitted.