

THE NEBRASKA SHERIFF

Vol. 83, No. 1 • Spring-Summer 2012

A PUBLICATION OF THE NEBRASKA SHERIFFS' ASSOCIATION

32 | May 14, 2012

Nebraska Law Enforcement Memorial Ceremony
Three Names Added to the Wall



33 | MADD's Outstanding Law Enforcement Awards

3 | Partnerships, Preparedness
and Possibility

5 | NSA is Stronger with this
Legislative Session

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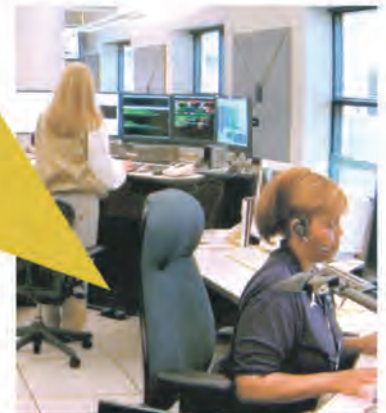
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Inside this Issue

Letter from Governor Heineman	3
A Message from Jeff Franklin	4
Board of Directors	5
<i>From Amy Prenda</i>	
NSA Stronger with this Legislative Session	6
Bath Salts now Illegal	7
In Memoriam	8
NSA/POAN Conference 2012	9
Thrills in the Hills	10
Brief History of Banner County	11
Revisions to State DNA Collection Bill	12
Harvard Jail "Bought" by Dummy	13
The First Murder in Cedar County	14
1886: Colfax County Sheriff Killed by Inmate	15
TAPS	18
Supreme Court Upholds Jail Strip Searches	23
4th Annual Nebraska Law Ride	27
Distracted Driving Kills	29
Cornhusker State Games Award	31
Law Enforcement Memorial Ceremony	32
2012 MADD Awards	33
Protect and Serve ... Yourself	35
24x7 Sobriety Programs	36
ICAOS Training Offered at Monthly Meeting	39
Drug Recognition Evaluation	40
Life Saving Cardiac Equipment	41
Now There's an App for That	42
Animal Abuse Connection to Child Abuse	45
Retired Hall County Sheriff Arnett Dies	52
Retired Cedar County Sheriff Riibe Dies	53
Nebraska State Patrol Crime Lab Information	53
Business Supporters by County	55-64

THE Nebraska Sheriff MAGAZINE

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The Nebraska Sheriffs' Association,
established in 1894, is the oldest organization
of its kind in the nation.

Nebraska Sheriffs' Association
President: Sheriff Jeff Franklin
Executive Director: Amy Prenda
www.nesheriffsassoc.org

MISSION STATEMENT

To provide continuing education to Sheriffs' Offices,
youth, and the public in general.

THE NEBRASKA SHERIFF MAGAZINE

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suggestions on the magazine and the Website.

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Counties Featured in this Issue

Adams	10
Arthur	10
Banner	11
Boone	12
Box Butte	12
Burt	13
Butler	13
Cedar	14
Chase	15
Colfax	15
Cuming	16
Custer	16
Dakota	16
Dawson	17
Dixon	19
Franklin	19
Frontier	19
Gage	20
Garden	20
Garfield	20
Greeley.....	21
Hamilton	21
Harlan	21
Howard	22
Johnson	22
Kearney	22
Knox	24
Loup	24
Merrick	24
Nance	40
Nemaha	40
Nuckolls.....	41
Otoe	41
Pawnee	41
Phelps	44
Pierce	44
Platte	46
Polk	47
Richardson	47
Saunders	47
Seward	48
Sherman	49
Sioux	49
Stanton	49
Thurston	50
Valley	50
Washington	50
Wayne	51
Webster	51
Wheeler	51

The Nebraska Sheriff Magazine Policies

- Only submitted articles pertinent to law enforcement/ criminal justice and NSA members will be featured.
- The magazine will no longer feature a gallery of photos of Sheriff deputies and office staff.
- We will accept articles from law enforcement agencies, their representatives, or related fields to be considered for publication in the magazine.
- Photographs of minors must be accompanied by verifiable permission to publish and list their names, whether the photo is emailed or sent through USPS.*
- We reserve the right to edit all submittals for content or space.
- We apologize for any errors or omissions. Please let us know about them.

All articles and letters sent to the Nebraska Sheriff must be accompanied by the author’s correct, legal name and are assumed to be unconditionally assigned for publication and the Nebraska Sheriff reserves the right to edit for content and/or available space. Articles and letters will only be considered if they conform to the boundaries of good taste.

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Governor

STATE OF NEBRASKA

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Phone: (402) 471-2244 • dave.heineman@nebraska.gov

June, 2012.

Dear Friends:

Thank you for your service to our state. I appreciate the work of our sheriffs, who help keep Nebraska safe and the ideal place to live, to work and to raise a family. The summer travel season is here and it is especially important to keep our Nebraska roads safe.

Nebraska recorded 181 traffic fatalities in 2011, which is the second year in a row that the number of fatalities have decreased. However, for the first four months of 2012, we've seen 18 more fatalities compared to the same period one year ago. We know that driving safely helps prevent these crashes from happening and using seat belts and child restraints is essential.

Highway safety is a partnership. It is vital that drivers and passengers commit to staying safe, sober, focused and buckle every time they are in a vehicle. I encourage every Nebraskan to do whatever it takes to help ensure the safety of their families and fellow travelers. The work you do every day is more than keeping roads safe and your dedication to our state is appreciated. Thank you for your work this summer and year round to keep Nebraskans safe.

Sincerely,

A handwritten signature in black ink that reads "Dave Heineman".

Dave Heineman
Governor



Sheriff Jeff Franklin
Clay County
402.762.3528
930@dataacc.net

“We can also increase involvement by increasing our annual conference attendance and our representation at events such as Husker Harvest Days ... we would like to have a strong showing.”

HUSKER HARVEST DAYS
October 11, 12, 13, 2012
Wood River, NE

Contact Amy Prenda
800.775.2469
402.434.3785
aprenda@cutshallnowka.com

A Message from our President, Jeff Franklin

June 2012

Greetings!

I am honored to be your NSA President. The coming year promises to bring many changes, both challenging and exciting.

Federal funding cuts to the South Sioux Regional Training Facility will be deeply felt. In 2013, by state legislation, all active officers will be required to log 20 continuing education hours per year. These factors, alone, will strain our budgets and tax our manpower.

Recruitment and retention, especially for smaller departments, will continue to be difficult. Add to these obstacles the increasingly “boundaryless” characteristics of crime, such as identity theft where jurisdictions are international rather than local, and we face more daunting challenges than ever before.

Our future is only as grim as we see it, though. We have faced budgetary constraints before; nothing new.

We have waged an ongoing battle on recruitment, retention, and compensation; nothing new.

We have adjusted how we perform our jobs to the “criminal climate” before; nothing new.

I choose not to dwell on the challenges, but to be an optimist, hopeful about our future. As a group, we stand stronger than we do as individuals.

My presidential goals, consequently, are:

- to continue to increase membership;
- to encourage every single officer to be an advocate for law enforcement;
- to increase interdepartmental collaboration; and
- to increase our preparedness for the future through continuing education and an open mind toward future possibilities.

A wise man, John F. Kennedy, once said: *“For time and the world do not stand still. Change is the law of life. And those who look only to the past or the present are certain to miss the future.”* (Address in the Assembly Hall at the Paulskirche, Frankfurt, 25 June 1963).

We, as a profession, as law enforcement officers in Nebraska, have a rich history to uphold, and we need to bring that history and its lessons to how we are presently operating. We must project into the future to make sure we continue successfully to prevent crimes, apprehend criminals, and provide community education and safety.

Partnerships, preparedness and possibility should be our watchwords. By increasing departmental membership in our Association and encouraging every officer to be an informed and vocal advocate to his or her senator on all issues concerning law enforcement, our collective voice will be stronger. We can also increase involvement by increasing our annual conference attendance and our representation at events such as Husker Harvest Days. If you are interested in attending Husker Harvest Days, please contact Amy Prenda. We would like to have a strong showing.

If we increase partnerships across departments, our training and other opportunities, by

continued on next page

NEBRASKA SHERIFFS' ASSOCIATION 2012 BOARD OF DIRECTORS

openly sharing information in our “boundaryless” criminal world where jurisdictions are blurred, if not erased, we can increase our success in defeating the criminals who would commit crimes from afar against our citizens and also increase the strength of our statewide law enforcement as a whole.

Another important element in the equation for the future is preparedness. We must pursue continuing education opportunities, apply for all available grants, aggressively stay abreast of trends and be adaptable in the wake of those trends, and think not only of the right now, but also of the future.

This year’s NSA/POAN Annual Conference, held for the second year at the Younes Center in Kearney, October 29-31, 2012, will be a worthwhile CE event, with two of the most outstanding speakers we have ever scheduled. It was beyond impressive last year to see the owner, Mr. Younes, front-and-center, ensuring that every single detail of our event and banquet were in tip-top shape. The conference received rave reviews with attendees with respect to training, vendors, Association membership meetings, and networking. Special thanks to all of those NSA and POAN members who worked hard to make last year’s conference exemplary.

By embracing the inevitable change about which JFK speaks, we will be open-minded and adaptable to the direction crime leads us, technologically, and in all other ways. As we move forward this year, let’s grow in membership; advocacy; partnerships; preparedness; and adaptability to the change of the future.

I welcome your input and involvement in our organization. Please contact me 930@datacc.net with any concerns or suggestions for the betterment of our Association.

Sincerely,



Sheriff Jeff Franklin, NSA President

SOUTH CENTRAL DISTRICT

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NSA Is Stronger with this Legislative Session

Written by Amy Prenda, J.D., NSA Executive Director

“People often say that, in a democracy, decisions are made by a majority of the people. Of course, that is not true. Decisions are made by a majority of those who make themselves heard and who vote - a very different thing.”

Walter H. Judd

Yes, it is an election year and with the 2012 Legislative Session still fresh, I thought it may be a good time to review the session and thank you for making the NSA stronger by talking to elected officials currently in office and those candidates who want to serve in elected office.

With your help, the NSA was successful in getting **LB 66** passed — a NSA priority bill introduced by Senator Abbie Cornett that would make probation officers responsible for taking DNA samples from convicted felons who are placed on probation (effective July 18).

The NSA was also successful in holding **LB 676** in the Judiciary Committee where it was indefinitely postponed at the end of the session — a bill introduced by Senator Steve Lathrop that would have prohibited law enforcement officers who have taken a person into emergency protective custody from relinquishing custody unless the medical facility determines that it is safe to do so.

Other bills of interest to the NSA include:

- **LB 722** introduced by Senator Colby Coash that allows courts to deduct fines or costs owed by an offender from his or her cash bond (effective July 18).
- **LB 734** introduced by Senator Schumacher at the request of the Platte County Sheriff that would allow courts to set a date to return property in a replevin action later than the current 20-day requirement (effective July 18).
- **LB 793** introduced by Senator Scott Lautenbaugh that would limit the number of civil lawsuits an inmate can file who has a history of filing frivolous lawsuits (effective July 18).
- **LB 807** introduced by Senator Scott Lautenbaugh that clarifies that a person will be disqualified from receiving a concealed carry permit for a conviction rather than a violation and clarifies when a permit is automatically revoked (effective April 18).
- **LB 814** introduced by Senator Ken Schilz to add bath salts to the Uniform Controlled Substance Act (effective July 18).
- **LB 817** which was amended to include **LB 1046** introduced by Senator Burke Harr to require all law enforcement officers to have 20 hours of continuing education (effective January 1, 2014).
- **LB 881** introduced by Senator Colby Coash to clarify that the cost of medical services for those persons injured while being apprehended will be paid by the arresting agency and not the detention facility (effective July 18).
- **LB 1042** introduced by Senator Kathy Campbell that allows nurse practitioners to sign death certificates (effective July 18).

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- **LB 1155** introduced by Senator Lathrop that increases the penalty for a 4th or subsequent offense of driving with a suspended or revoked license— Class I misdemeanor, license revocation for 2 years, and impoundment of arrested driver's vehicle for 10 to 30 days (effective July 18).

The NSA also made some headway with the introduction of **LB 919** introduced by Senator Ken Schilz at the request of the Grant County Sheriff and the NSA that would reevaluate the fees and increase court costs so that the users of the judicial system are the ones paying for the costs associated with the services and not the property tax owners.

While we were able to get the Judiciary Committee to recognize the inadequacies in the current fee structure — there are 13 fees that haven't been increased since the 1960s — we still have work to do convincing the body and the Governor that these fees need to be increased.

But this is just one of the many issues that Nebraska elected officials and candidates need to become familiar with while they are back in their districts.

Yes, it is an election year and we are stomping towards the general election. Please thank your Senators for the work they have done this year and remain diligent in letting them and the candidates know about the issues that directly impact the Office of Sheriff. Make them want to come to Lincoln in January 2013 to support law enforcement, especially our Sheriffs and Deputies.

**A comprehensive,
2012 Final Legislative Report for the
102nd Legislature, Second Session,
presented by Cutshall & Nowka,
can be found online at**

www.nesheriffsassoc.org



Bath Salts Now Illegal to Possess in Nebraska

NEWS RELEASE

Lincoln: Bath Salts Illegal under Attorney General's Legislative Package Bill Passed April 4

Bath salts are created by compounding specific chemicals and can cause users to lose motor control and have extreme paranoia and erratic, violent behavior. The effects from ingesting or inhaling these compounds are potentially deadly.

"Bath salt compounds are designed for one reason only – to get high," said John Bruning. "I'm pleased our Legislature has taken action to protect our kids from being poisoned by these deadly drugs."

State Senator Ken Schilz of Ogallala sponsored the bill.

"We are seeing these drugs in the rural areas as well as larger cities," said Sen. Schilz. "Now is the time for us to protect kids in all Nebraska communities from these dangerous drugs. These drugs are being designed to skirt the law. Laws like this are needed in order to combat the ever changing landscape of designer drugs."

Speaker of the Legislature Mike Flood of Norfolk was instrumental in passing the bill.

"Nobody wants to see another death from bath salts, not in Nebraska, not anywhere," said Speaker Flood. "LB 670 is an important step in keeping Nebraskans safe from these drugs."

Under LB 670, the penalties for possessing bath salts are the same as those for methamphetamine, heroin, LSD, Cocaine and other Schedule I controlled substances.

Nebraska joins at least 38 other states including Missouri, Kansas and Wyoming in banning the drug.

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State Coordinator - Brad Frandsen



Be sure to notify the Nebraska Sheriffs' Association when a member who was an active or retired sheriff, deputy, chaplain, corrections officer, or member of the support staff dies. They will be enrolled in the NSA Memorial Society and listed in the magazine and online.

Send the names to: Amy Prenda, NSA Executive Director
PO Box 81822, Lincoln, NE 68501
800.775.2469 • 402.434.3785
aprenda@cutshallnowka.com

NSA Remembers Nebraska Sheriffs, Deputies, and Chaplains who have died this past year. May they rest in peace.

Emmett Arnett

Hall County Sheriff, retired
See page 52.

Dave McNulty

Sarpy County Deputy

T. N. (Neal) Tucker

Sarpy County Captain, retired

Kevin Einspahr

Harlan County Chief Deputy

John (Johnny) F. Riibe

Cedar County Sheriff, retired
See page 53.



Melanie Bailey

of MB Solutions
 in partnership with
 NSA/POAN Conference
 Committee & Vendors
 29030 Golden Pond Lane
 Firth, NE 68358 • 402.440.0785
 mbsolutions.melanie@gmail.com

NSA/POAN Conference & Exposition 2012: Showcasing Leading Businesses, October 28-31 Younes Conference Center, Kearney

The Nebraska Sheriffs' Association and the Police Officers' Association of Nebraska present the annual training conference for Sheriffs, Police Chiefs, Jail Administrators, Law Enforcement Professionals and Probation Administrators.

Exhibits are an important part of our conference program. Sheriffs and Police Chiefs from across Nebraska will be seeking information on the latest equipment and services relevant to their communities and their corrections environments.

Melanie Bailey and her company, MB Solutions, work in partnership with the Nebraska Sheriffs' Association and the Police Officers' Association of Nebraska to ensure that the 2012 NSA/POAN Conference and Expo is a great source of valuable information for all law enforcement professionals throughout our great state.

CONFERENCE ATTENDEES

Police Chiefs, Sheriffs, Training Managers and Training Instructors, Department Administrators, Elected Officials, Jail Standards Staff and Jail Administrators, Probation Administrators, Nebraska's Attorney General and Crime Commissioner, and US Attorney Staff.

SPONSORSHIP OPPORTUNITIES AVAILABLE

There are also several sponsorship opportunities during this important conference. Be sure to ask Melanie about availability. You can check them out online at www.nesheriffsassoc.org.

Don't miss this event. It's a great place for products and services to meet Nebraska's premier law enforcement agencies. A block of rooms have been set aside for vendors. Be sure to tell them you're with the NSA-POAN Expo when registering.

CONFERENCE REGISTRATION FOR LAW ENFORCEMENT PARTICIPANTS

Registration will soon be available online as well as through an email alert and by regular mail. Please watch for future email information from the NSA office and online at www.nesheriffsassoc.org. If you have questions, contact:

Amy Prenda
 800.775.2469 • 402.434.3785
aprenda@cutshallnowka.com

Attention All Sheriffs!

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gmahee@adamscounty.org
www.adamscounty.org/Sheriff.htm

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ARTHUR



Sheriff Billy D. Simpson



2012 Member

Arthur County Sheriff's Office

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FAX 308.764.2216
bill991@neb-sandhills.net

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“Thrills in the Hills” Competition

Students Catapult Bowling Balls in Arthur County Sandhills

Nebraska high school students gathered in the Sandhills of Arthur County on May 10th for the “Thrills in the Hills Competition”. Seven teams competed for trophies in a flinging competition. Each team spent months building full scale catapults capable of hurling 16 pound bowling balls.

Students at Arthur High School in Arthur County came up with the concept. Arthur High student Jordan Trimble and many of his classmates built their catapult from the ground up; a project that took them about four months to complete. These imaginative physics students visited family ranches and asked what students’ parents would be willing to loan for the project. One classmates had an old, out-of-commission truck that they tore apart and used for the base.

Initially, the students just thought about building a successful, full-scale catapult. That in itself would have been quite an accomplishment. But once they came up with the idea for a

May 10th competition among nearby schools, they really put forth all their efforts. “If you spend this much time working on a project like this,” one Arthur student said, “you really want to go out there and win.”

The seven teams came up with their own unique designs, each trying to build a catapult that would sling a 16 pound bowling ball the farthest. Everyone agreed that the entire process was great fun as well as a team building and problem solving exercise.

Arthur High School, Arthur County, Nebraska, won the competition with a distance of 348 feet. Brady High School, Lincoln County, came in second with 333, and Axtell High School, Kearney County, came in third with 264.

Banner County Sheriff's Office

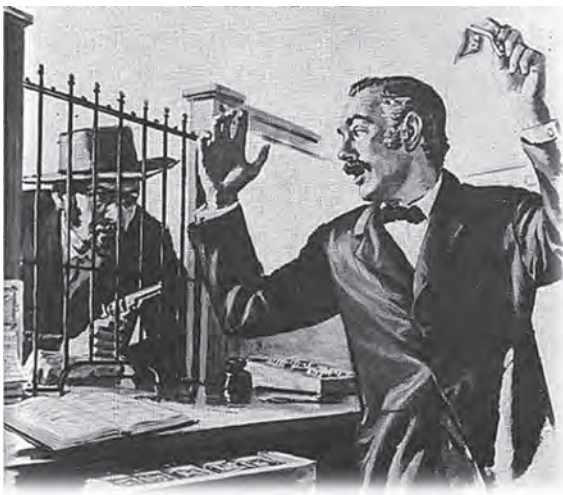
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 FAX 308.346.4180
 sheriff@banner.nacone.org



2012 Member

no photo available
Sheriff Stanley McKnight

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**Excerpt from
 "A Brief History of Banner County"**

Written by Mr. and Mrs. Mervin D. Snyder (circa 1945-1955)

"W. W. Renfrow who was elected as our first sheriff, and his bond was filed on January 26, 1889.

The Banner County Bank was opened by C. J. Carlisle when the location of the county seat was settled (1889). It was started with \$5,000 capital."

Banner County's First Bank Robbery

"We had our first bank robbery in the early nineties (1890s). Mr. Carlisle was in the bank adjoining his residence (the same now occupied by the W. Schumaker family) when a man quickly entered the back door, calling to the banker "throw up your hands." The robber's gun got caught in his holster which gave Mr. Carlisle time to dash outside, mount the robber's horse, and race for help. As the robber ran out with the loot, he was shot in the leg by C. L. Burgess. The money was recovered. The robber, Wes Graham, was tried and convicted but later escaped and was never looked for. That he had help to escape was evident."

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<http://www.olden-times.com/oldtimenebraska/n-tnation/bannco.html>

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Sheriff David R. Spiegel



2012 Member

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BOX BUTTE



Sheriff Tammy S. Mowry

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**HUSKER HARVEST DAYS
October 11, 12, 13, 2012
Wood River, NE**

The Nebraska Sheriffs' Association will have tables at this annual event. Please consider being part of the NSA presence by attending.

Contact Amy Prenda
800.775.2469
402.434.3785
aprenda@cutshallnowka.com

**Revisions to State DNA Collection Bill
Signed by Governor Heineman**

LB 66 – (Cornett) Change provisions relating to DNA collection. LB 66 specifies that probation officers would be responsible for taking DNA samples from convicted felons who are placed on probation and would not enter into a prison, jail, detention facility or other institution.

In any county containing a city of the metropolitan class, DNA samples shall be collected by a probation officer at a probation office. In all other counties, persons placed on probation shall have DNA samples collected by a probation officer at a probation office.

An individual not placed on probation who receives a fine or a penalty of time served would have a DNA sample collected by the county sheriff. In addition, a county jail detention facility or other institution that collects the sample would not be held financially responsible for the cost of the DNA sample kit if the court waives the cost of taking a DNA sample for any reason.

FINAL STATUS: Approved by the Governor 4-11-12.

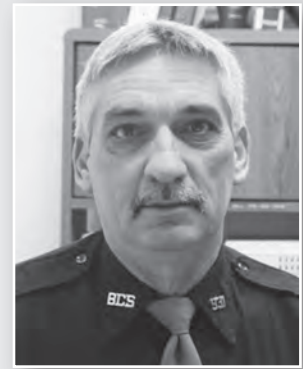
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2012 Member



BURT

Sheriff Robert D. Pickell

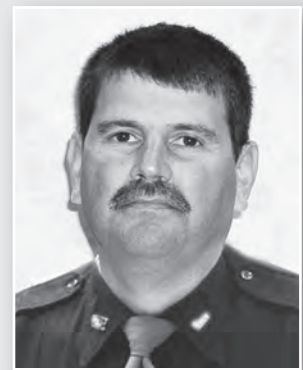
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Harvard Jail "Bought" by Dummy

In 1943, the City of Harvard, Nebraska's jail was inadvertently sold to young Robert Pinckney, 16, in a delinquent tax sale. When the city refused to buy back the jail, sparking a legal battle that earned national publicity, Pinckney put the jail up for auction at a West Coast war bond drive.

Charlie McCarthy, then famous ventriloquist Edgar Bergen's puppet, "bought" the jail for \$10,000 in war bonds and deeded it back to Harvard.

Estimated to be over 130 years old, the jail was refurbished in 2008-10.

Pictured is Edgar Bergen with his ventriloquist's dummies Mortimer Snerd (left) and Charlie McCarthy, once owner of the Harvard jail.

Photo © 1939 Universal Pictures Company, Inc.
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1873 - THE FIRST MURDER IN CEDAR COUNTY

Reprinted as it appeared in the CEDAR COUNTY NEWS - January 17, 1952

This is taken from an article written by W.C. Condit, former State Sheriff, who was preparing a book on early day Nebraska sheriffs and peace officers.

October 19, 1873, the murdered body of Henry Locke, who had disappeared from his home at St. Helena was found in a patch of timber where he had been cutting wood.

He had apparently been killed with his own axe by some unknown person. Later a neighbor of the murdered man reported having seen a stranger who was apparently tramping through the county and gave a detailed description of the man.

Following a vague clue officers picked up the man's trail but it was not until the following year the Deputy Sheriff John McDonald located the man working on a farm not far from Omaha. At that time he gave his name as John McBeth, but it also developed that he had used the name of Jameson. He was said to be half white and half negro.

Since there were no railroads here at the time, Deputy Sheriff McDonald returned his man to Cedar county by way of Yankton and indications are that the trip was made to Yankton on a river steamer.

Early history reveals that as McBeth was being brought across the river he took poison but this only made him very ill. That night the sheriff and his prisoner walked five miles to a farm house where they spent the night and the next morning were driven to the county seat at St. Helena.

Upon arrival at St. Helena the county judge could not be located the story relates, so the county commissioners called a meeting of all citizens in the community to consider the case.

According to the information, a vote was taken which was unanimous that McBeth should hang.

May 14, 1874, citizens of the locality decided to take the prisoner from the sheriff and hang him. When the man was told he was to be hung he asked for a priest. After a priest was brought to the scene and he had ministered to him McBeth made a full confession. He related he had killed a man in Kentucky which he claimed was an accident. He later enlisted in the army under the name of Jameson, after which he confessed to killing a man at Fort Buford. He said he came down the river on the steamer the "Peninah" and left the boat above Yankton.

He said that he came upon the cabin of Henry Locke and spent the night with him before accompanying him to the timber where he killed him. He said that the only thing of value he realized was an old watch and \$1.50 in money.

Following his confession he was placed in a lumber wagon which had been driven beneath a tree to which a rope was attached and the noose adjusted about the condemned man's neck. He was then told to jump as high as he could and the wagon was driven from beneath him. Unfortunately the story goes the rope broke and the man fell to the ground. While another rope was being prepared, McBeth was said to have calmly smoked a pipe. Then with a new rope he was ushered into eternity.

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<http://www.usgennet.org/usa/ne/county/cedar/social/19521117mur.txt>

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TUESDAY, JANUARY 12, 1886

Colfax County Sheriff Killed by Inmate

Sheriff John S. Degman, 35, was killed as he delivered breakfast to an inmate in the Colfax County Jail. Sheriff Degman put the inmate's meal on the window and turned to leave. As he did so, the inmate, who had a long history of criminal behavior and who had recently been arrested on charges that he had abused his family and raped his own daughter, hit him on the back of the head with a piece of firewood that Sheriff Degman had allowed him to keep in his cell. The inmate then struck Sheriff Degman at least twice more, fracturing his skull.

The inmate escaped from the jail, but was caught in the yard by the former Colfax County Sheriff.

The former Sheriff called for Sheriff Degman to come and get his prisoner and became alarmed when he got no response. He ran to the jail and discovered Sheriff Degman unconscious on the floor. Sheriff Degman succumbed to his injuries soon after.

Sheriff Degman's killer was returned to the jail, but a mob of two hundred men arrived that night and overpowered the officers guarding him. The mob seized the prisoner and hung him at the north side of the courthouse.

Sheriff Degman had served with the Colfax County Sheriff's Department for two years, but had only acted as Sheriff for 10 days at the time of his death. He was survived by his mother, a sister, and three brothers, one of whom served as a city marshal before being appointed to the position of Colfax County Sheriff following his brother's death.

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Richard Avella, a 350 pound New York man, entered a Long Island jewelry store, drew a gun, and told the clerk, "This is a stick-up," then tripped and fell to the floor. He was unable to get up before police arrived.



TAPS ...

By Sgt. Winston Cavendish, Retired, Sun Police Department (Arizona)

This chronicle is based on a true story which happened in 1983 in South Louisiana Parish. Names and locations have been changed. You never know who the good guys are until you read their history.

If you hang around law enforcement long enough, strange things start to happen. Several years ago as a Staff Sergeant in Southeastern Louisiana Sheriff's Office, I ran into an experience I am still scratching my head over and asking myself the big question - **Why???**

He died, you say! What happened? That was the beginning of my conversation with my Law Enforcement Explorer Scout Supervisor Ms. Brown. Her neighbor, Quito Banno, had died over night. She found his body in the back yard of his run-down trailer. All night long his hound dogs howled and cried for their master. Quito had lived in the trailer park for several years with his dogs, but he never talked to his neighbors except when they blocked his drive way.

Quito had moved to Port Quincy, Louisiana from New York several years earlier. Nobody really knew who he was; he was just a one-legged loner with a bunch of dogs. Ms. Brown would bring him a hot lunch every day and more or less keep an eye on his place, but she didn't really know who he was.

After the deputies arrived on the scene and the coroner-investigator pronounced him dead, his body was moved to the morgue for an autopsy to determine the cause of death. Deputies went through the trailer looking for addresses or phone numbers of his next-of-kin for several hours with no luck. They left Ms. Brown to look on her own, and as she searched she found an old Bible with the names of two women written on several crumpled up papers tucked inside of it. She was able to find addresses and phone numbers. She called the women and told them Mr. Banno had died, and she wanted to know if they knew him. The women were his sisters who lived in Orange, New Jersey. Neither sister had enough money to cover their brother's funeral expenses, but they agreed to fly down to New Orleans if someone could pick them up and bring them to Port Quincy to the funeral home. Ms. Brown agreed to do so.



The cause of death was changed from criminal causes to natural causes by the coroner's office as his poor health led to his heart attack at seventy-six years old. They wanted to know if the sisters wanted his prosthetic right leg with his personal effects.

The funeral home in charge of the burial decided to bury Mr. Banno in the local charity cemetery, but this sergeant made an agreement to bury him in the Chauvin, Louisiana, cemetery instead of a pauper's grave.

Our Law Enforcement Explorer Scouts were having their meeting that night and at that time they decided to help bury this veteran. They took care of the honor guard, pallbearers, and grave side service. I was extremely

proud of our young Junior Deputies. They were sharp in their class A uniforms, shined shoes, campaign hats, and white gloves, but more importantly they were learning about life in a positive way.

We gave him a police escort to the grave side in a driving rain. At grave side the minister gave a short service, and as the casket was being lowered into the ground, Law Enforcement Explorer Brian Monthuck raised his golden trumpet and played "Taps". There wasn't a dry eye in the cemetery.

The elderly sister, Ms. Cappel, held my hand and said, "This is a strange irony. You see, my brother was dishonorably discharged from the Army after nine months service. The reason he lost his right leg was because he was in a shoot out with New York State Troopers thirty-three years ago after he killed a State Trooper in a hail of bullets. He spent thirty-five years in prison in New York, and they released him because of his bad health. He then moved to St Anthony, Louisiana, but you know, **he hated Cops!!!**

EDITOR'S NOTE: Sgt. Cavendish submits articles (no fee) for this publication on a regular basis. He is also featured in many other law enforcement publications in the U.S. He feels a connection to Nebraska and, of course, all law enforcement agencies. His articles are always written with great respect and in honor of all of you.

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Supreme Court Uphold Jail Strip Searches

<http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/november-2011/supreme-court-cases>

WASHINGTON, April 2 - The U.S. Supreme Court on Monday upheld strip searches of new jail inmates, even those arrested for minor traffic offenses, ruling that security concerns outweigh personal privacy rights.

By a 5-4 vote, splitting along conservative-liberal ideological lines, the high court rejected the argument that the searches violated privacy rights and cited concerns by jailers about a suspect hiding drugs, weapons or other contraband.

In the opinion for the court's conservative majority, Justice Anthony Kennedy concluded the jail search procedures "struck a reasonable balance" between inmate privacy and the needs of the institution.

The decision could have broad impact as nearly 14 million Americans spend time in jail or prison every year, including an estimated 700,000 people in jail for minor misdemeanors.

The court's four liberals dissented, calling the searches harmful, humiliating and degrading, especially when jailers have no reason to suspect the presence of contraband on those arrested for minor offenses like driving with a noisy muffler.

The justices upheld a ruling by a U.S. appeals court based in Philadelphia that everyone entering a jail can be routinely searched, even without suspicion of any criminal activity.

The decision was a victory for the jails and for the Obama administration, which argued for strip searches of all those entering the general jail population, even those arrested on minor offenses.

Attorneys for Albert Florence, who was strip searched twice at two New Jersey jails in a six-day period after his arrest for an unpaid traffic fine, argued that jailers must first have a reasonable suspicion of wrongdoing.

Florence sued on the grounds that the conduct in 2005 at two jails in Burlington and Essex counties violated his constitutional rights protecting against unreasonable searches.

At the first jail, Florence said he was ordered to hold out his arms, turn around and lift his genitals. At the second jail, Florence, a finance director at a car dealership, was ordered to squat and cough while jailers looked for contraband.

EXEMPTION FROM SEARCHES REJECTED

Kennedy rejected the proposal by Florence's attorneys that new detainees not arrested for serious crimes involving weapons

or drugs be exempt from invasive searches unless they give officers a reason to suspect them of hiding contraband.

That risks "increased danger to everyone in the facility, including the less serious offenders themselves," he said.

Kennedy wrote in the opinion that security imperatives involved in jail supervision outweigh the argument that some detainees must be exempt from the search procedures.

"Correctional officials have a significant interest in conducting a thorough search as a standard part of the intake process," he wrote, adding that jails and prisons face potential gang violence and problems from smuggled contraband.

Even people arrested for minor offenses may be coerced by others into concealing contraband, Kennedy wrote.

Chief Justice John Roberts and Justice Samuel Alito joined the ruling, but also issued separate opinions saying there could be future exceptions for those detained on minor charges and kept apart from the rest of the jail population.

The court's four liberals, Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan, dissented.

"I cannot find justification for the strip-search policy at issue here - a policy that would subject those arrested for minor offenses to serious invasions of their personal privacy," Breyer wrote in a dissent that his liberal colleagues joined.

He cited the "serious affront to human dignity" resulting from the searches when a stranger stares at a naked individual, including the most private parts of that person's body.

Breyer noted instances when individuals arrested for minor offenses have been subjected to humiliating visual strip searches, including a nun for 50 years who was arrested for trespassing during an antiwar demonstration.

The federal government has a policy of strip-searching anyone entering a jail's general population.

The Supreme Court agreed to decide Florence's appeal after federal courts around the country issued conflicting rulings about strip searches in jails.

The Supreme Court case is Florence vs. Board of Chosen Freeholders of the County of Burlington, No. 10-945. For the petitioner: Thomas Goldstein of Goldstein & Russell. For the respondents: Carter Phillips of Sidley Austin.

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On the Lighter Side . . . Is It Loaded?

A US teenager who was thwarted in an attempt to rob an internet cafe armed with a hidden banana ate the "weapon" before he was arrested, police say. John Szwalla entered the shop with a banana concealed under his T-shirt and demanded money, saying he had a gun.

The shop's owner and customers overcame the hapless thief and called for help, but they said the teenager ate his "weapon" before the police arrived. Officers joked they may charge the 17-year-old with destroying evidence. Police officials took pictures of the banana skin instead.

"If he had had a gun he would've shot me," the owner told the Winston-Salem Journal newspaper. "But he had a banana." Mr Szwalla has been charged with attempted armed robbery.

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4th Annual Nebraska Law Ride ***Iron Warriors Motorcycle Club*** ***Honors Fallen Law Enforcement Officers***



It has been four years since the Law Enforcement Memorial on the grounds at Fonner Park in Grand Island, Nebraska was dedicated. It has also been four years since the Iron Warriors Motorcycle Club held the “First Annual Nebraska Law Ride”, the most recent held May 12, 2012. In that time, over 600 motorcycle enthusiasts have shown their support and paid tribute to Nebraska’s fallen officers; the result is over \$15,000 raised for the perpetual upkeep of the memorial which bears the names of the fallen.

This springtime event, open to the public, has hosted riders from Illinois, Iowa, Minnesota, Wyoming, Colorado and Texas and continues to grow each year. The 3rd Annual ride was the start of an “East Meets West” venture which has now solidified itself with four registration sites across the state with help from the Centurions Law Enforcement Motorcycle Club (LEMC), the Reguladores LEMC, and the America’s Guardians MC; all friends of the Iron Warriors MC.

Iron Warriors Motorcycle Club

The Iron Warriors Motorcycle Club is a national, non-profit organization of active duty and retired law enforcement officers and firefighters, dedicated to providing assistance and support to communities, departments, families and members.

Pictured above, left: IWMC members ride I80 to Grand Island. The participants spanned as far as the eye could see.

Above, right: At the Law Enforcement Memorial on the grounds at Fonner Park in Grand Island.



With over 600 members nationwide, divided into 45 chapters through 20 states, the club is contributing greatly to a lot of charitable works in the name of brotherhood.

In the name of brotherhood, the Nebraska Law Ride is the personification of the words spoken by President Kennedy in his proclamation of “Police Week” and “Peace Officer Memorial Day” when he stated, “ ... *we express our gratitude for the dedicated service and courageous deeds of law enforcement officers and for the contributions they have made to the security and well-being of all our people.*”

For additional information on the
 Annual Ride or the
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It injures hundreds of thousands of people every year. It kills thousands more. Distracted driving is deadly. April 2012 was designated "Distracted Driving Awareness Month". On April 13, hundreds of students in Sarpy County got a first-hand look at the dangers of taking your eyes off the road.

It was a gruesome scene at Papillion-LaVista South High School that afternoon. Fake, but in many ways real to the people it touched. The mock car crash was tagged to show high school students just what can happen when you text or drink and drive. The blood, the bodies and the frantic parents in the simulation were designed to send a strong message. Some students were actually shaken.

This is the second year in a row Papillion-LaVista South has hosted the mock crash.

Numerous public safety organizations, including Sarpy County Sheriff's personnel, were involved. Midlands Community Hospital and the Alegent Health Emergency Room Staff were the main sponsors and coordinators of the event.

With the Papillion-LaVista South prom that weekend, organizers say the shocking event happened at an appropriate time. And students all agreed that nothing should be forgotten: fastening seatbelts, take everything slow, following the law - these are all very important first steps to safety.

According to the CDC, distracted driving kills 15 people and injures more than 1,200 daily in the U.S. and the statistics are only getting worse. The amount of text messages sent every day has grown by 50% just in the last two-years.

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Dave Mlnarik, right, from the Nebraska Sports Council, presented an award to President Jeff Franklin and the Nebraska Sheriffs' Association during the March 2012 meeting for supporting the Cornhusker State Games. This is the CSG's 28th year, and NSA has supported the CSG for 15 years. Mlnarik said that other states are envious of the continued support that Nebraska gives to the CSG, especially the Sheriffs' Association. The Council is proud and very grateful for our continuing partnership.

This year's Cornhusker State Games will be July 20-29, 2012, with Torch Run going through communities sometime in June.



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A. On our front cover: Lancaster County Sheriff's Deputies John Brady, Nick Heitman, Greg Goodwater, and Jeremy Schwarz acted as honor guard and opened the Nebraska Law Enforcement Memorial Ceremony Monday morning at the Law Enforcement Memorial in Grand Island. Behind the group and between Brady and Heitman is Colonel Dave Sankey, Nebraska State Patrol. (Photos courtesy Mike Dyer)



2012 Memorial Ceremony Held *"in memory of many, in honor of all"*

In recognition of their 150 year anniversary, the Lancaster County Sheriff's Office served as the host agency for the Nebraska Law Enforcement Memorial Ceremony, held Monday, May 14th, at the Nebraska Law Enforcement Memorial inside the gates of Fonner Park in Grand Island.

The ceremony started off with the Lancaster County Sheriff's Department's honor guard posting the American and Nebraska flags, the singing of the national anthem by Chassidy Jackson of the Lincoln Police Department, and a fly-over by the Nebraska State Patrol's helicopter.

The names of Peace Officers who have died in the line of duty were added to the Memorial Wall.



- **Lancaster County Deputy Sheriff William D. Johnson** is among the names added to the memorial. Johnson died on duty in 1959 after suffering a heart attack following a prisoner transport. His death was recently determined to be a line-of-duty death.



- **Lancaster County Sheriff Deputy Craig Dodge** died in the line of duty on March 14, 1987 in Hickman. Dodge had been shot while responding to a domestic call in Hickman. He died protecting a woman and her children. His killer was eventually tried and convicted by then Lancaster County Attorney Michael Heavican. His widow, Barbara Dodge, spoke during the ceremony.

- **National Park Ranger Julie Weir** was also added to the memorial. Ranger Weir died in the line of duty in a traffic accident near Kearney on February, 24, 2011. She had been traveling through the state from her duty station in Philadelphia to a new assignment at Yosemite National Park in California.

Twenty-four honored at MADD's 13th Annual Outstanding Law Enforcement Awards & Recognition ... Submitted by Sara Magnus



Pictured with Nebraska's First Lady Sally Ganem are:

Top left, Earl Johnson, Adult DWI/DUI Individual Award, Sarpy County Sheriff's Office; above, Tim Hannan and Kyle Coughlin, MIP Team Award, Saunders County Sheriff's Office; left, Brad Peltier, MIP Individual Award, Lincoln County Sheriff's Office. Other photos can be found on Mike Dyer's Facebook page. *(Photos courtesy Mike Dyer)*

Honoring Those Who Keep Us Safe

May 23th, 2012 (Lincoln, NE) – Mothers Against Drunk Driving (MADD) was proud to honor twenty-four outstanding law enforcement individuals and teams at their 12th Annual Law Enforcement Awards and Recognition event on Tuesday, May 22nd at the Holiday Inn in Lincoln's Haymarket.

First Lady Sally Ganem joined speakers Todd Calfee and Aaron Davis in thanking the men and women of Law Enforcement and their families for the sacrifices they make to keep our roads safe.

The following Sheriffs' Offices and personnel were among those recognized for their outstanding work in the area of alcohol related enforcement over the past year: Merrick County Achievement in Teamwork Award Merrick County Sheriff's Office, County Attorney Lynelle Homolka, Probation Officer Sara Cline & Sgt. Dave Sullivan, Lincoln County Sheriff's Office; Earl Johnson, Adult DWI/DUI Individual Award, Sarpy County Sheriff's Office; Justin Petersen, Adult DWI/DUI Individual Award, Kyle Coughlin & Tim Hannan, MIP Team Award, Saunders County Sheriff's Office.

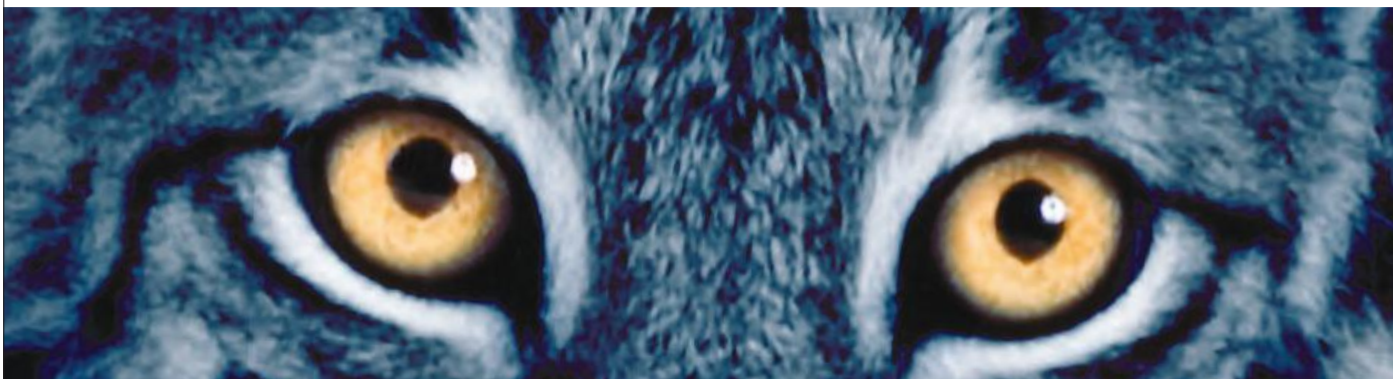
They are on the front line of the fight against drunk driving, working to keep us all safe. Their dedication moves forward the mission of MADD, eliminating drunk driving, supporting the victims of this violent crime and stopping underage drinking.

2012 Memorial Ceremony Photos

- B.** Lancaster County Sheriff Terry Wagner shared memories of Craig Dodge. "Twenty-five years (since his death) just doesn't seem possible," Wagner said.
- C.** Platte County Sheriff Jon Zavadil stands at the wall near the name of one of his fallen deputies. Chris Johnson's name was added in 2010.
- D.** Barbara Dodge spoke to the crowd that had gathered. "... stay safe, stay alert and always wear your vests," she said. "Thank you for your service. I don't know why you do what you do, but I'm glad you do it."

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Protect and Serve ... Yourself!

Don't let someone place you in the hands of a "drive thru" doctor.

Written by Mike Dyer, Attorney at Law

We all know that being a cop is a dangerous job. But there are dangers lurking where you might least expect them – dangers that can easily be avoided. An injury in the line of duty can be a serious event in an officer's career. Whether that injury is a blown knee from a chase, a back injury from a car crash or a torn shoulder during an arrest, the appropriate treatment of those injuries is critical in getting you back on the job. Protect yourself from the beginning and avoid the danger of being stuck with the wrong doctor to treat your injuries.

If you are injured on duty, your employer will likely ask you to sign a form designating a doctor to treat your injuries. If you are told to go to the "official provider" of your agency, that doctor may ask you to sign that form, along with other forms before you can be seen. **The form, titled Employee's Choice or Change of Doctor Form, is commonly referred to as a Form 50. This form is not just a simple checkbox; it is VERY important. You absolutely need to understand what you are signing, or you may regret it later.**

The Form 50 gives you two choices for the treatment of your work injury. One is to choose a doctor that has previously treated you or a member of your immediate family.

The second choice is the one you want to avoid – checking the box that states you do not have or do not wish to choose a doctor who has treated you or an immediate family member. If you check this box, your employer or an adjuster who doesn't even know you gets to choose the doctor who will treat you for your injury.

What's the harm in that you ask? Isn't a doctor a doctor? Unfortunately, the answer to that is an undeniable "NO". Some doctors specifically advertise their services to workers' compensation insurance companies and offer to reduce claim expenses. They save the insurance company money



by getting you back to work faster, with little regard for your true functional ability, and avoiding what they rationalize as unnecessary medical treatment – medications, testing and specialists.

Don't let someone else place you in the hands of this kind of "drive thru" doctor.

continued on page 43



Injured in the line of duty, Mike Dyer proudly served as a member of New York City Police Department

I don't have to imagine what it's like to walk in your shoes.

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EDITOR'S NOTE: Mike Dyer has been a great friend to the Nebraska Sheriffs' Association and Nebraska law enforcement in general. Not only is he a returning advertiser and writer, he has graciously supplied his personal photographs of events for this publication, as well as use on NSA's Facebook page.

24x7 Sobriety Programs - A New Approach to an Old Problem

Article submitted by Bill Mickelson, Mickelson Consulting Group LLC

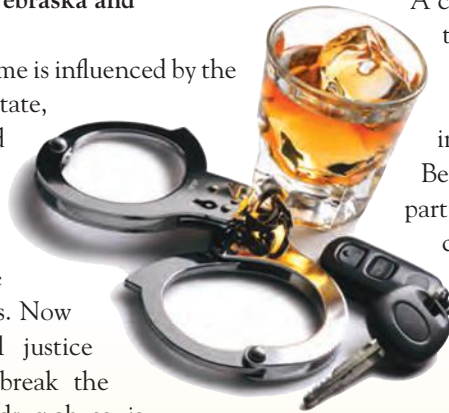
The demographic comparisons for Nebraska and South Dakota are very similar

Criminal justice history shows that crime is influenced by the abuse of alcohol and drugs. Federal, state, and local governments have passed tougher laws, harsher punishments, and tried strict enforcement – putting more people in jail or prison for longer periods of time – but crime fueled by alcohol and drugs continues. Now ... an innovative, proven criminal justice solution, one that helps offenders break the cycle of recidivism from alcohol and drug abuse, is available and ready for your community.

What is a 24x7 Sobriety Program?

24x7 sobriety programs were first initiated by the State of South Dakota. The program was designed to monitor and report a participant's compliance and abstinence from use of drugs and/or alcohol. Participants in the program are ordered to abstain from drug and/or alcohol use as a condition of: bond, post-sentence and probation, driver license reinstatement, parole, and other special conditions.

The backbone of the 24x7 program is twice-a-day breath alcohol testing. The program also offers scheduled and random testing programs for monitoring drug use. Continuous alcohol monitoring with transdermal alcohol monitors is also offered when twice-a-day testing is impractical.



A critical component to the success of the program is that failing a test or failing to submit to testing leads to an immediate and measured consequence. It has long been understood that “cause and effect” – immediate sanctions – lead to changes in behavior. Best of all, the standard program can be based on a participant-pay model that eliminates a burdensome cost to the operating agency and/or the taxpayer.

24x7 Programs are Effective

South Dakota has placed 20,000 people on the twice per day alcohol testing regimen and report testing success of 99.4% (participants show up on time and test clean).

*Recidivism rates have dropped by as much as 70% long term for repeat DUI offenders (*Mt. Plains Study Published 2010). 24x7 is having an impact on family courts and courts dealing with domestic violence.

24x7 Sobriety Program - a Perfect Fit for Nebraska

Convinced of the benefits of the 24x7 sobriety concept, Intoximeters, Inc. set to work making it easy to implement the program. Intoximeters, Inc. created a comprehensive, modular, customizable “turnkey” solution that can be used by courts, drug courts, DUI courts, family courts, law enforcement, Departments of Correction, driver's licensing divisions and public/private substance-abuse treatment organizations and testing sites. The offender-pay model makes this program very cost-effective to operate and with no cost to taxpayers.

Intoximeters, Inc. offers all the components necessary to develop your 24x7 program – including planning and development, testing protocols and programs, breath testing instruments and supplies, and the 24x7Sober.Net software that ties all the components together.

continued on next page



**Look for Intoximeters, Inc.
at the NSA/POAN Conference
this October.**

continued from previous page

The 24x7Sober.Net Web-based Software

The 24x7Sober.Net software allows for very quick and efficient testing of participants. Because it's internet-based, it can be accessed from many locations, using role-based security credentials. 24x7Sober.Net is easy to learn, easy to use, and can be customized to meet your specific needs. The software offers an advanced reporting capability and facilitates reporting and communication between all stakeholders involved in the 24x7 program. The data collected can help criminal justice systems create efficiencies and develop programs that return maximum results.

Not Just for DUI

Judges and jurisdictions have been expanding the use of 24x7 sobriety programs, requiring participation for other offenses, such as domestic violence and child abuse where drugs and/or alcohol are often a factor. It's an important new tool for law enforcement, courts, probation, parole, social services, corrections, and driver's licensing departments.

Services and products are offered to help establish a 24x7 Sobriety Program

- Planning and Developing Funding Models
- Creating testing protocols

Services and products are offered

- Full use of the 24x7 software
- Setting up testing facilities
- Training personnel
- Scheduled or random testing programs
- Automated accounting, billing and data reporting
- Tracking of participant compliance
- Communication of results to agencies and other interested parties
- Layered security and access
- Back-up and interruption safeguard redundancies
- Breath alcohol
- Transdermal alcohol
- Drug testing kits

In Short ... Everything You Need

All the necessary components to develop a program are provided by Intoximeters, Inc. with no hidden costs, plus an offender-pay model can be developed for your jurisdiction based on a customized business model.

Benefits of a 24x7 Sobriety Program

Improved Public Safety

- Reduced alcohol and drug related traffic accidents and fatalities
- Reduced incidents of other crimes where alcohol and drugs are a contributing factor
- Reduced domestic violence and family crimes
- Improved case management capabilities for probations and parole officers
- Reduced jail and prison populations

Improved Results for Offenders

- A highly-monitored alternative to incarceration; participant can live with family and remain employed
- Helps individuals change behavior and work towards a life of sobriety

Cost-Effective: Saves Taxpayer Dollars

- Offender-funded model; fees could pay for staffing, testing facility, testing equipment and supplies, and data-management costs
- Low and fair pricing for all testing methods

Positive Adjunct to Treatment and Rehabilitation

- Substance abuse treatment success rates are enhanced if the participant maintains sobriety before, during, and after treatment is completed. A 24x7 sobriety program facilitates these goals.

For more information, contact:

Bill Mickelson, Mickelson Consulting Group LLC
916 Cambridge Drive, Pierre, South Dakota 57501

605 224-5321 • Cell 605 280-4548 • blmick@pie.midco.net
Mr. Mickelson has had a long and distinguished career in law enforcement. In 1971, he joined the Minnehaha County (SD) Sheriff's Office and then joined the South Dakota Highway Patrol, ultimately serving as the Assistant to the Highway Patrol Superintendent until his retirement in June of 2001. Mr. Mickelson was the special projects manager and legislative liaison. He also administered the planning and research section for the highway patrol.

In June 2001, the governor appointed Mr. Mickelson to develop and command a computer crimes unit for South Dakota. Commander Mickelson and his ICAC unit received national recognition in 2003 from the National Center for Missing and Exploited Children and Bill Gates of Microsoft for operating one of the top computer crimes units in the United States.

In 2004, Mr. Mickelson was appointed as an Assistant Attorney General and Special Agent for the Division of Criminal Investigation. Most notably, Mr. Mickelson helped develop and direct the award-winning South Dakota 24/7 Sobriety Program. Mr. Mickelson retired from government service in July of 2008. In 2009, the Institute for Behavior and Health recognized Mr. Mickelson's efforts with the 24/7 Sobriety Project and awarded him the prestigious John P. McGovern Award.

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Interstate Commission for Adult Offender Supervision (ICAOS)

By Kari Rumbaugh, Deputy Compact Administrator with Probation

The Interstate Commission for Adult Offender Supervision (ICAOS), pursuant to Neb. Rev. Stat. § 29-2640, was federally enacted on June 19, 2002. Nebraska became signatory to the Compact in January 2003. The Interstate Compact was developed to control offender movement, promote public safety, protect victims' rights and provide for effective tracking and supervision of offenders.

The Interstate Compact is governed by rules supported by the Commission. The rules are federal law and there is a legal obligation to follow and enforce the rules as written. Interstate Compact rules also supersede all state laws that conflict with them. Therefore, it is essential the rules are shared with all stakeholders that come in contact with the Compact.

The Interstate Compact requires each state to develop a State Council that provides support and advocacy. In Nebraska, the State Council includes representatives from the legislative, judicial, and executive branches of government, victims groups, State Patrol, Sheriff, County Attorney, Parole Board and Compact Administrators with Probation and Parole.

Training to be offered during upcoming NSA meeting

With the advocacy and support of the State Council, the Nebraska Compact offices have developed training to share with criminal justice stakeholders. Training will be offered for Sheriffs during an Association meeting.

The rules directly affect Sheriffs when offenders are picked up on Interstate Compact warrants, as well as when extradition and transportation is required.

The Interstate Compact has structured rules for retaking, warrants, bond and bail, and probable cause hearings. This information plus other significant rules will be shared during this training.

The Interstate Compact Commission has an extensive website of resources including online trainings, a public portal, and a "Bench Book for Judges & Court Personnel." These resources were developed to assist judges, attorneys, criminal justice agencies, probation and parole officers, and any person needing information about Interstate Compact and its rules. Available resources can be accessed at www.interstatecompact.org.

For additional information contact

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Sheriff Brent E. Lottman



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Sheriff Describes Drug Recognition Evaluation at Otoe County Court

Written by Dan Swanson, GateHouse News Service • ncnewspress.com

Nemaha County Sheriff Brent Lottman described the drug recognition evaluation he uses when asked for an opinion about motorists who have been stopped by law enforcement. He testified at Otoe County court on March 23, in a driving under the influence case.

The Sheriff said a Nebraska State Patrol Trooper asked him to travel from Auburn to Otoe County on Oct. 27 to evaluate a woman who had no indicators of alcohol in a pre-test. Lottman said he has conducted 50 evaluations since completing training. Of those, 48 were recommended for arrest.

Of those arrested, his opinion was confirmed by scientific testing 25 times. Other times, Lottman said, suspects refused testing or laboratories detected substances he had not indicated. He said the drug-influence evaluation is a 12-step process, that includes a breath test, interview by arresting officer and interview by evaluator.

The evaluator asks when the last time the suspect has slept and if he is being treated for a medical condition. The suspect's pulse is checked several times. An eye exam includes a horizontal gaze nystagmus, vertical nystagmus and pupil response to light observation. Vital signs, blood pressure and body temperature are recorded.

The evaluator looks for signs of drug ingestion and checks muscle tone. In an additional interview, the suspect is asked if they have taken any medications. They are then asked for a sample for the laboratory.

Sheriff Lottman also testified about procedures for a field sobriety test, including the use of divided attention tests. The tests include the walk and turn, one-leg stand, and finger to nose.

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Sheriff James R. Marr

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Otoe County Sheriff's Office

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2012 Member



Sheriff James M. Gress

OTOE

New Life Saving Cardiac Equipment

Otoe County Sheriff's patrol cars are now equipped with life saving cardiac equipment. The county has recently received a grant for 20 new automatic electronic defibrillators that will equip the patrol vehicles, as well as the courthouse, jail and EMA vehicle. This equipment will result in more life-saving opportunities. Two years ago, county employees' safety committee reported that the defibrillators then in county patrol vehicles were not durable and had all failed mechanically and were no longer reliable.

Otoe County Emergency Management Director Gregg Goebel volunteered to write grant applications and the county received \$27,000 toward the purchase of the newer AED units in mobile, waterproof and dustproof cases. When the cases are opened, audible instructions begin and the tutor program can keep up with a trained user who prepares quickly and will wait for completion of directions with novice users. Most of the time, law enforcement is the first on a scene. Having the proper equipment means they can do what it takes to save a life.

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2012 Member



Sheriff Jayme R. Reed

PAWNEE



Instant fingerprinting in the field?

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for that!**

Current Law Enforcement Technology Trends.

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DHS and other federal agencies at
<http://www07.grants.gov/search/agency.do>

Cross Match Technologies in Palm Beach Gardens manufactures sophisticated biometric detection systems for the military – reportedly one that was used by Navy Seals to help establish Osama bin Laden's identity after he was killed during a daring raid.

In South Florida, another piece of the company's cutting-edge technology is catching on with police departments and sheriff's offices — a hand-held fingerprint scanner that can reveal a suspect's true name and criminal history within minutes. Once a fingerprint is scanned, the Cross Match device sends the image through the laptop computer in a deputy's patrol car to seek matches in the databases. The device alerts if there is a hit. This was first tested by the Palm Beach County Sheriff's Office a year ago, and is now in use by a number of agencies in Palm Beach and Broward counties in Florida, including Boynton Beach and Fort Lauderdale police.

Britain's famed Scotland Yard, which pioneered fingerprinting as an investigative tool in the early 1900s, just deployed 350 of the cellphone-sized devices from a California manufacturer.

There are several other companies that manufacture similar devices, with a mid-range price around \$2,500 per unit. It could also cost about \$20 per month per unit for cellular phone contracts used to operate some of the devices. You can also add an app to your Balckberry to make it as functional.

A Homeland Security Grant from the Georgia Emergency Management Agency is providing the sheriff's office with \$21,350.52 for the purchase of machines that will connect Richmond County to the state's Mobile Biometric Fingerprint Identification system. Many other states have followed suit.



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Regardless of the manufacturer or model, law enforcement can use these devices to determine if a suspect has provided a false identity, or is wanted on a warrant. It can alert a deputy that he is dealing with a violent, career criminal — and should exercise even more caution, or call for backup. It immediately alerts the officer to the type of individual they are dealing with. These could be a tremendous resource as far as officer safety goes.

These compact devices are time saving, as well. Taking a suspect whose identity is questioned for fingerprinting can take more than an hour, a drawback on busy shifts when police are needed on the streets.

All these various types of devices take advantage of the rapidly expanding biometrics industry which allows for fingerprint identification on everything from laptop computers to cell phones. The cost of fingerprint sensors alone have dropped from about \$100 to about \$5.

A positive match is only a first step for an officer using this technology and needs to be regarded for what it is - simply another law enforcement tool.

Fingerprint technology in Nebraska

According to the Nebraska State Patrol, several different units have been tested out in the field, but Nebraska's current computer system can't accommodate the additional requests at the current time. No one doubts that this would greatly benefit state law enforcement officers, both in matters of time and safety, but current budgetary constraints make it unrealistic at the present time. Upgrades to the system are being considered for the future and a retest of the devices will be conducted.

Mobile data systems

As in Nebraska, most mobile data systems are only capable of receiving and transmitting small packets of data, such as text that we normally receive from federal and state criminal justice databases, like NCIC. One significant consideration that will almost always surface when discussing the implementation of video systems is privacy. While there are those who will see this as an infringement of their privacy, others will certainly feel more secure knowing that public safety agencies have access to this critical information when needed.

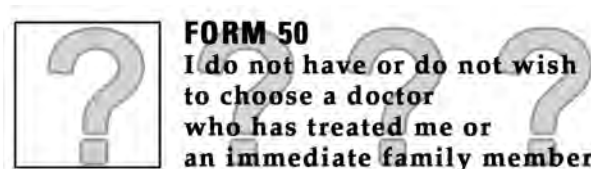
On the technical side, the good news is that there are several networks robust enough to transmit these signals/images. The most common frequencies being used for video transmissions include EV-DO; 4.9 GHz and 700 MHz.

continued on page 44

Protect and Serve ... Yourself!

continued from page 35

“The second choice is the one you want to avoid – checking the box that states you do not have or do not wish to choose a doctor who has treated you or an immediate family member.”



Let's take an even closer look at the Form 50 and the specific requirement that your choice of a doctor must be a doctor that has treated you or an immediate family member.

You may think that because you haven't seen a doctor in five years that you can't check this box. The form may on the surface appear to limit your options. However, consider this; what the form doesn't tell you is that ANY doctor that has EVER provided treatment to and kept medical records for YOU, your SPOUSE, your CHILDREN, your PARENTS, your STEPCHILDREN or your STEPPARENTS is included in what is likely a very large pool of doctors from which you can choose. This includes any one-time visits to specialists like neurologists, orthopedics, surgeons, etc.

If your employer provides workers' compensation coverage that includes a managed care plan, like the City of Omaha, there are very specific rules that govern medical treatment. Again though, it doesn't necessarily mean that you are required to get medical treatment from a doctor that someone else has chosen for you. Before you ever agree to be treated by someone within a managed care plan, contact me so that I can run through all of your options first. This simple step may save you a big headache down the road.

So what's the bottom line? If you are injured in the line of duty, PROTECT YOURSELF and the future of your career FIRST! See a doctor that is invested in getting you back to good health so you can once again PROTECT AND SERVE!

PHELPS

no photo available

Sheriff Gene Samuelson



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Now there's an app for that! ... continued from page 43

Tactical video

While it is important to neutralize a serious threat as quickly as possible, that doesn't mean throwing officer safety to the wind. The old saying applies here – "if you can't get there, you can't help". Two mobile and tactical video applications being used by law enforcement today are:

- Video cameras on the end of poles which allow first responders to look into high areas such as a second story or underneath items, such as under a vehicle or crawl spaces. These pole cameras also allow you to quickly peek around a corner before going around. The basic models will display images on a personal monitor typically located at the user-end of the pole, whereas the more advanced models will transmit these same images to a mobile command post, in addition to the personal monitor. The challenge with the more advanced models is transmitting the images back to the command post. Again, a small area network, such as 4.9 GHz, is necessary to transmit these images.

- Through-the-wall cameras and sensors that allow first responders to view through walls before breaching a door. While this technology is fairly new for tactical operations, it has been used quite extensively by the US military. Cost and effectiveness have been two primary reasons local and state agencies have not used this technology more. Effectiveness in that this technology seems to work best with non-hardened walls, such as drywall or vinyl siding. This technology is not very effective with brick or metal walls.

Ongoing development has allowed this technology to become cost effective. Hand held units can range in price from \$6,000 up to \$30,000 for the more advanced models.

In-car video systems

Law enforcement executives and the public have come to rely heavily on in-car video images from the field. While this topic can be a very controversial, i.e., some officers resent a camera onboard their patrol vehicle (fearing the "Big Brother"

continued on page 48



“... it has been found that animals are abused in 88% of the families where children are abused; it has also been found that children are abused in 83% of the homes where animals are abused”

Animal Abuse and Neglect and Child Abuse There Is a Connection ... Submitted by Kristie Biodrowski, NHS Field Director

The Connection between Animal Abuse and Child Abuse

Did you know that it has been found that animals are abused in 88% of the families where children are abused; it has also been found that children are abused in 83% of the homes where animals are abused?

That is just one of the facts attendees learned at the Animal Welfare and the Law seminar hosted by the Nebraska Humane Society in Omaha.

Attorney Diane Balkin from the Animal Legal Defense Fund presented on not only the link between domestic violence and animal abuse but she also covered how to deal with costs incurred during animal seizure and the challenges of hoarding cases.

Animal Legal Defense is based out of California with attorneys and offices located throughout the U.S. They are a wonderful resource for law enforcement and provide a variety of services to help with the prosecution of animal abuse cases.

Dr. Amber Horn, lead shelter veterinarian at the NHS, discussed how to recognize neglect and what constitutes neglect under the Nebraska State statute.

There were attendees from a variety of law enforcement agencies in the area including several prosecuting attorneys and animal control officers.

For those who attended it was an educational four hours filled with lots of information to help law enforcement officers be familiarized with investigating and prosecuting animal neglect.

Tips on How to Investigate Horse Neglect

The calls have been coming in more frequently; someone is concerned with the thin horse by the road or they know of someone who has not been caring for their horses appropriately.

The call goes out to the Deputy but investigating horse neglect was not covered at the academy.

Ensuring that law enforcement officers have the proper knowledge to investigate horse neglect was the goal for a workshop put on by the Nebraska Equine Coalition and hosted at UNL.

Thirty attendees made the trip to the University of Nebraska at Lincoln to participate in the all-day class that covered many aspects of horse husbandry. Basic care, nutrition, body scoring, pasture management, red-flags that signal neglect, along with resources for housing and care when seizure is necessary were just some of the topics discussed.

Class participants were from varied backgrounds, Deputies, Veterinarians, and Animal Control made up most of the class roster.

The morning session started with presentations by various experts in their field in the Equine or Ag industry and the day ended with an afternoon session of hands on with the horses.

As one of the individuals involved in developing this class, I can say we were very pleased with the outcome and hope to continue this as an annual event. The coalition will rotate between having the class in Western and Eastern Nebraska.

PLATTE



Sheriff Jon J. Zavadii



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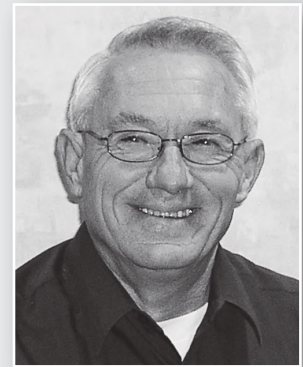
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Now there's an app for that! ... continued from page 44

syndrome, while others won't go out on the street without one. More often than not, in-car video systems have proved extremely valuable in defending personnel during use of force scenarios or inappropriate behavior. But before any agency goes out and buys the "latest and greatest", it is important to know that purchasing in-car video systems is a complicated process and is no longer simply just a fleet manager's responsibility. The purchase of these systems will now raise critical and technical issues that will most likely involve input from not only the field personnel, but those in your technical services as well. The IACP and NIJ have been conducting extensive research on this topic and should be contacted in order to receive FREE technical and operational requirements.

NLETS interstate sharing of photos (NISP)

Everyday and every hour, hundreds of law enforcement officers encounter violators who cannot produce positive identification, such as a driver's license. Some honestly forgot their driver's license at home, while others lie because their license is not valid and/or are wanted. In order to assist law enforcement agencies from having to physically arrest every violator who cannot produce positive identification, a three state pilot project will begin sharing more comprehensive driver's license information and photos to assist officers with

positive identification.

The states of North Carolina, South Carolina and Virginia have launched a pilot project with NLETS funded in collaboration with grants from the US Department of Homeland Security, and the US Department of Justice's NIJ and COPS Office. NLETS celebrates its 40-year anniversary this year and, as you know, is the international criminal justice agency that already allows law enforcement agencies to receive lots of critical information from NCIC and other state's department of motor vehicles (DMV) in text format, just to name a few.

The primary focus of this project is to disseminate the DMV photos along with the traditional text data we are accustomed to receiving. Another big part of this project is focusing on image and transmission standards while using the existing NLETS infrastructure. This is an outstanding project considering how the incidents of identity theft have increased significantly around the globe.

Voice response translator

Many of us work in municipalities where immigrants from other countries have moved into our cities quicker than we have been able to keep up by hiring foreign language speakers.

continued on page 54

Sherman County Sheriff's Office

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Sheriff Lyle Staudenmaier

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Retired Hall County Sheriff, Emmett Arnett, Dies at Age 72 *The Grand Island Independent, February 7, 2012.*



Emmett Arnett, who served as Hall County Sheriff from 1987 to early 1995, died February 6, 2012 at age 72.

He began his law enforcement career in 1961 with the Grand Island Police Department, and was assigned to the Criminal Investigation Division in 1971, where he also spent eight years. He then became a Hall County Sheriff's Deputy.

He was appointed Hall County Sheriff in 1987 to complete the term of Chuck Fairbanks. He was then was elected in 1990 for another term and he retired in 1995. Emmett then worked for Hall County Corrections until he again retired in 2007. He also received many certificates and attended numerous training seminars while in law enforcement.

Arnett was Chief Deputy on June 3, 1980, when a series of seven tornadoes devastated parts of Grand Island. He was instrumental in citywide communications following the deadly storm, which also extensively damaged Arnett's own home.

Emmett manned his station in the Emergency Operations Center and coordinated the sheriff's department part of the disaster response. When the sheriff's base station radio system failed, Emmett ran up and down the steps, out to his patrol car in order to coordinate with the sheriff's deputies out in the storm.

Arnett was a member of the American Legion, the VFW, the Police Officers Association and the Nebraska Sheriffs' Association. He loved to camp, fish, hunt, and work in the yard. He enjoyed sports, especially golf, basketball and baseball, and was an avid Husker fan; more than anything he enjoyed going to his grandkids activities.

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Retired Cedar County Sheriff, John Riibe, Dies at Age 93

John F. Riibe, age 93 of Wynot, Nebraska and formerly of Hartington, Nebraska, died on January 27, 2012 at the Golden Living Center in Hartington.

John was born on December 11, 1918 at Bow Valley, Nebraska to Otto A. and Veronica E. (Ward) Riibe. He grew up in the Bow Valley area and graduated from Holy Trinity High School in 1936. He received his Normal Teaching Certificate and then taught school at the Sunny Brook School District 113 northeast of Hartington.

John served in WWII in the U.S. Army from April 17, 1942 to December 27, 1945. After the war he returned to Hartington where he operated a trucking service. On November 23, 1949 John married Dorothy M. Carson at Hartington.

John served as Cedar County Sheriff from 1959 to 1979. It was during this time that his wife, Dorothy, died on August 16, 1972 at the age of 44. From 1981 to 1999 John owned and operated John's Feed and Grain in Wynot. He married Bev

Wiebelhaus on October 7, 1989 at Wynot. They made their home in Wynot and John entered the Golden Living Center in March of 2006.

John was a member of the Holy Family (Sacred Heart) Catholic Church in Wynot, was a lifetime member of the Hartington VFW Post 5283, and a member of the Wynot American Legion Post 31. He was a former member of the Holy Trinity Catholic Church in Hartington, the Northeast Nebraska Peace Officers Association and the Hartington Saddle Club.

He loved working with horses and did a lot of riding and showing of his horses. He loved to read, play cards with his grandkids, play pool and dance. He also was a promoter of the Old Time Fiddlers.

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Nebraska State Patrol Crime Lab

Backlog information, services and updates

The Nebraska State Patrol Crime Laboratory services, backlog information, and updates are available on the Nebraska State Patrol website under the "Investigative Services Division":

[http://statepatrol.nebraska.gov/
InvestigativeServices.aspx](http://statepatrol.nebraska.gov/InvestigativeServices.aspx)

The Crime Laboratory also provides updated information via their quarterly newsletter *The Lab Report*. Current and past issues can be accessed at:

[http://statepatrol.nebraska.gov/
LabReportNewsletter.aspx](http://statepatrol.nebraska.gov/LabReportNewsletter.aspx)

Please take a look at the information.
Contact the Crime Laboratory
with any questions you may have.

Pamela Zilly, Crime Laboratory Director
1233 Arapahoe Street, Lincoln, NE 68502
(402) 471-8967
Pam.Zilly@nebraska.gov



Capitol Watch

Capitol Watch is an electronic newsletter published by the National Sheriffs' Association Government Affairs Division covering the latest federal legislative activity important to sheriffs and other criminal justice professionals.

Download each issue at [www.sheriffs.org/government/
NSACapitolWatch.asp](http://www.sheriffs.org/government/NSACapitolWatch.asp)

You can also find a link to these on the Nebraska Sheriffs' Association website at www.nesheriffsassoc.org

Grant Programs

The Crime Commission offers a variety of federal and state grant programs. Each program has different purposes and requirements. Check them out at [www.ncc.state.ne.us/crime_
commission/pamphlet.htm](http://www.ncc.state.ne.us/crime_commission/pamphlet.htm)



Now there's an app for that! ... continued from page 48

While these immigrants can bring very positive diversity to any community, they can also be a challenge to public safety agencies when providing critical services. Challenges such as having bilingual personnel on duty 24 hours a day. Being a bilingual officer myself, I have translated hundreds of times at the scene, over the cell phone and the police radio.

When you consider that hiring bilingual officers can cost an average of \$45,000 per year per officer, agencies with limited funding have turned to a voice response translator as a viable option. Originally developed for military application for one-way voice translation on the spot when human translators are unavailable, lots of research and development has gone into these devices for domestic public safety use. At a cost of approximately \$3,200 per unit, they have been successfully deployed in law enforcement agencies for daily field operations, such as traffic stops or victim/suspect interviews when a human translator is unavailable.

These voice response translators can have options such as megaphone attachments for wide area broadcasts and power chargers for continuous, low-budget use. While this technology is not as effective as having a human translator at the scene of an incident, it can be a very effective tool when you have no other options.

Redefining Police Pursuits

Policies for high-speed police pursuits vary among law enforcement departments, but all agree that car chases are dangerous. To help reduce the number of high-speed pursuits and the deadly collisions associated with them, last year the Arizona Department of Public Safety (DPS) began piloting the StarChase Pursuit Management System, which uses a patrol car's mounted launcher to shoot a GPS-equipped dart at a fleeing vehicle.

It's a device that's mounted on the front of the patrol car, and there is a sighting device, targeting device and a deployment device inside the patrol car so the officer can adjust the aim depending on the type of vehicle.

Officers use a laser pointer to aim and then shoot the dart, which attaches itself to the suspect's vehicle. The dart includes

a battery and wireless transmitter, allowing officers to track the vehicle's movement. Dispatch is hooked into the device; they can actually monitor it on a computer screen with a map. They can track where the vehicle is going, how fast it's going, if it's taking off-ramps or driving city streets.

Remote monitoring lets officers follow suspects from a safer distance so that suspects don't realize they're still being tracked. Dispatchers deploy officers around the suspect's location so that once the vehicle stops, officers can move in and detain him or her. The device has been used on stolen cars and human smuggling cases.

Smartphones and Tablets

The latest smartphones and tablets might eliminate your need for a data network or even a laptop computer. These devices have enough memory storage to handle large databases, they can produce photos and video good enough for an HD display, and they can operate some systems remotely. They also download, display, and create e-mail and have fully functioning Web browsers. Internal GPS receivers stamp location information on every photo and video, and allow for moving map navigation applications that cost less than \$2.

Using FaceTime on an iPhone, an officer at a crime scene could show a detective on the other end of the call what evidence is present and get advice on preserving or collecting it. In the field, he could send the image of a suspect to the station for identification by a witness. If the caller at the other end of the conversation didn't have an iPhone or one of them wasn't connected to a Wi-Fi network (FaceTime won't work on the regular cell phone network), the officer could take a photo or video and e-mail it from the smartphone, delaying the process by only a minute or so.

Parts of this article taken from <http://www.govtech.com/public-safety/Real-Life-Police-Technology-Catches-up-With.html> and <http://www.policione.com/police-products/communications/articles> Used with permission.

Attention Nebraska Sheriffs

Need a photo for use in this magazine? You will have the opportunity to have one taken during the breaks in October at the NSA/POAN Conference in Kearney. Look for the camera set up in the lobby.

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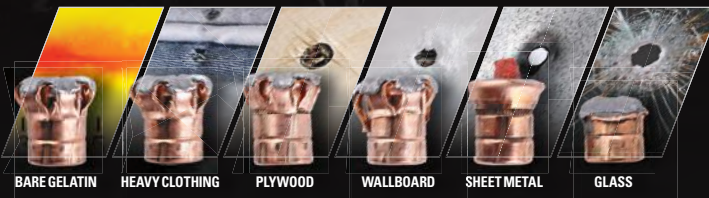
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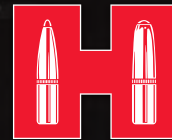
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- Nebraska Crime Commission



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