

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)	Docket 666 Page 235
)	
Plaintiff,)	Case No. CR03-9000005
)	
v.)	Affidavit of Jill Clabaugh-Will in
)	Support of Motion to Quash
JAMES M. SAYLOR)	Subpoena Issued to
)	Crime Stoppers
Defendant.)	
)	

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

Jill Clabaugh-Will, Affiant, after being duly sworn upon oath, states and deposes:

1. I am the President of Lincoln-Lancaster County Crime Stoppers, Inc. ("LLCCS"). I am over twenty-one years of age and suffer no legal disability. The facts contained herein are true and based on my own personal knowledge.

2. LLCCS is a non-profit corporation that operates a "Crime Stoppers" Program in Lincoln and Lancaster County, Nebraska. LLCCS is not subject to the direct supervision of any law enforcement agency. LLCCS does not have possession, custody or control of any records of any law enforcement agency. LLCCS is a member of a national organization or federation of locally operated agencies.

3. At all times relevant hereto, the Crime Stoppers Program utilized a telephone tip line by which citizens could anonymously report possible criminal activity. The tip line is routed directly to local law enforcement agencies, generally the Lincoln Police Department. The Crime Stoppers tip line has always been a tool designed and advertised as a way for citizens to provide information in an anonymous fashion.

4. The Crime Stoppers Program does not keep files on reporting citizens by name. Officers assigned to handle the calls are instructed to retain the substance of the information provided, but are trained not to retain information about the identity or contact information of the caller. Officers receiving the tips are instructed not to record,

write down, or otherwise retain names or contact information of the callers. It is my understanding that the procedures in 1984 and 1985 were the same.

5. LLCCS operates under the belief that a fundamental public interest lies in the prevention, detection, and prosecution of criminal acts. LLCCS is concerned that to force LLCCS to disclose any information sought by Defendant herein would violate the trust of those citizens who have chosen the Crime Stoppers Program to safely and efficiently communicate and report criminal acts anonymously without exposing themselves to dangerous retaliation. LLCCS is concerned that violation of this trust would have a chilling effect on the Crime Stoppers Program which is one of the few successful citizens' programs in fighting crime. LLCCS is concerned that if the identity of such tipsters must be routinely disclosed, those sources of information would evaporate.

6. If information regarding the tip or the identity of the tipster is disclosed (or information that could lead to the discovery of the tipster), there is a substantial risk to any known or possibly identifiable tipster of physical harm, intimidation, bribery, or unnecessary annoyance or embarrassment.

7. I reviewed the Subpoena issued by Defendant, reviewed the LLCCS files and consulted with the members of the LLCCS Board of Directors to determine what, if any, documents that LLCCS had that was responsive to the subpoena. In accordance with Neb. Ct. R. § 6-334(A)(d)(1), I provide the following description of the nature of the documents, communications or things not produced:

- a. Item 1. LLCCS has located no information responsive to Item 1 as I have been informed that it had no employees during such time.
- b. Item 2. LLCCS has located no information responsive to Item 2. LLCCS does not have possession, custody or control of any such records, which if they exist, may be in the possession, custody or control of the Lincoln Police Department.
- c. Item 3. LLCCS has been informed that one call log entry regarding the alleged criminal activity at issue may exist, which is in the possession, custody and control of the Lincoln Police Department, not LLCCS. Such information is the type of information described in Neb. Rev. Stat. § 27-510. If the Court finds the information sought by Defendant is within the

permitted scope of discovery and may not be protectable, LLCCS requests that the Court conduct a sealed, in-camera review of the log entry before making a final determination of the motion to quash.

- d. Item. 4. LLCCS has located no information responsive to Item 6. Based on my inquiry and search, it appears that such information was not retained for periods so long ago. Such information, if it did exist, would contain information on other potential criminal activity by other citizen tipsters unrelated to the alleged criminal activity or tips of Defendant (as the scope of the request is for *all payments* for 1984 and 1985).
- e. Item. 5. As to policies, procedures and practices of the “Crime Stoppers program”, LLCCS has located no information responsive to Item 5. Based on my inquiry and search, it appears that such information was not retained for periods so long ago. As to policies, procedures and practices of the Lincoln Police Department, LLCCS does not have possession, custody or control of any such records, which if they exist, may be in the possession, custody or control of the Lincoln Police Department.
- f. Item. 6. LLCCS has located no information responsive to Item 6. Based on my inquiry and search, it appears that such information was not retained for periods so long ago. Such information, if it did exist, could contain information on other potential criminal activity by other citizen tipsters unrelated to the alleged criminal activity or tips of Defendant (as minutes from more recent years contain such information).
- g. Item. 7. LLCCS has located no information responsive to Item 7. Based on my inquiry and search, it appears that such information was not retained for periods so long ago.

Dated: October 30, 2014

LINCOLN-LANCASTER COUNTY CRIME
STOPPERS, INC.

By: _____
Jill Clabaugh-Will, its President

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 30th day of
October, 2014, by Jill Clabaugh-Will, President of Lincoln-Lancaster County Crime
Stoppers, Inc. and on its behalf.

S E A L

Notary Public