

Nebraska State Council

Interstate Compact for Adult Offender Supervision

September 20, 2021

Call to Order/Roll Call:

The regular meeting of the Nebraska State Council of Interstate Compact for Adult Offender Supervision (ICAOS) was called to order at 9:07 a.m. by Commissioner Sally Reinhardt-Stewart. The meeting was published and posted per the Open Meetings Act and the agenda and minutes of the last meeting were forwarded to all Council members in advance of the meeting. The meeting was recorded. Roll was called by Commissioner Reinhardt-Stewart.

Present:

Jacey Rader, Sally Reinhardt-Stewart, Layne Gissler, Jeff Davis, Andi Hart, Athena Sherman, Dawn Renee Smith.

Also in attendance: Blair Holfeldt, Sharon Wilkens, and Susan Barnard.

Not Present:

Gene Cotter, Wendy Elston, Judge Julie Smith, Judge Kenneth Vampola, Senator Machaela Cavanaugh and Elizabeth McQueen.

A quorum was established.

Approve Minutes:

Commissioner Reinhardt-Stewart reviewed the items in everyone's folder – agenda, both sets of meeting minutes, 2021 Rule and ICOTS Proposal Summary and a copy of the Proposals that will be discussed at the Annual Business Meeting, the Annual Report recently released, and rosters of the membership and terms.

The minutes of the October 14, 2020, meeting were sent out in advance for review. Jeff Davis moved to approve the minutes of the October 14, 2020 meeting, DCA Rader seconded. The motion passed by unanimous vote.

The minutes of the May 21, 2021, meeting were also sent out in advance for review; however, Commissioner Reinhardt-Stewart stated there were a couple changes made on page 5 so the minutes in everyone's folder reflect those changes and she shared what those were. Dawn Renee Smith moved to approve the minutes of the May 21, 2021, meeting with the changes that were made, DCA Rader seconded. The motion passed by unanimous vote.

Old Business:

Membership Updates

Commissioner Reinhardt-Stewart shared there are a few new members and welcomed Athena Sherman, Crime commission, who replaced Laurie Holman. We learned after the last meeting that Ms. Sherman was willing to serve on the Council and would be replacing Ms. Holman.

At the last meeting it was mentioned that we were working with the County Attorneys Association for a replacement and Wendy Olsten is the new County Attorney representative. Judge Mark Young had announced at our last meeting he would be retiring so work was done on his replacement. Judge Julie Smith, District Court Judge, is replacing him.

At the last meeting, there was mention of a presentation for new members, which DCA Rader and Susan Barnard helped update and Susan was actually the one who presented it. Commissioner Reinhardt-Stewart will be getting that out to all the new members that have not yet received.

NE Training Updates

DCA Rader shared that the Pandemic has sort of changed the way they train statewide in Probation. Interstate Compact training has historically been in person for new officers but will likely be doing it remote but live through WebEx or Zoom so there is some interaction—they've given a lot of thought to that. The data they have of their existing staff shows that they have trained around 200 staff just in District and gave some examples of the District trainings that have been presented such as refresher training for District 6 and other training for District 5 per request. She stated they will do their roll-out training, which is all their review training, which will be in the spring after the Rules are voted on at the Annual Business Meeting, which she stated starts the next day. She stated we will vote on those Rules, and if passed, all staff in Probation in the state need to be trained on what that looks like. The Rule changes aren't drastic, but what will occur is that Parole and Probation will probably come together to do recorded training so staff can watch at their convenience—to provide in a way that they can work it around their schedules as opposed to offering the training one time live which doesn't work as well. Therefore, they want to find an opportunity to record it and make that available to staff and is excited about doing it.

Commissioner Reinhardt-Stewart reiterated that Parole and Probation is going to try to do a joint session. She stated that they have tried to do that for many years and it's one way as Probation and Parole that they can come together and do something as a joint venture for staff and it shows that they work together on this as a state so expressed that she is glad that we're able to do that again this year.

Commissioner Reinhardt-Stewart shared that since the last meeting the Parole Compact Office has conducted training on activations for offenders coming into the state. She stated they have trained one of the new Assistant Parole Officers (APOs) to assist the Compact Office. Training was also conducted on how to enter Transfer Requests and Requests for Reporting Instructions as was indicated in the minutes. She informed that the Parole Compact Office will be doing another training when additional APOs are brought on board as well as other staff that would want to attend that training.

Commissioner Reinhardt-Stewart shared that with regard to the Rule Amendments that will be voted on at the Annual Business Meeting, the effective date for the Rules proposals and the ICOTS enhancement is going to be April 1, 2022. That will be the timeframe so it would be about a month ahead of that when the training would be done. The By-Laws amendment, if it passes, will go into effect immediately upon the Commission approving it.

New Business:

ICAOS Committee Reports
Training Committee

Commissioner Reinhardt-Stewart shared that she serves on the Training Committee at the national level. The Training Committee has not met since the last meeting of the State Council so the information in the minutes of the May 21, 2021, meeting is still up-to-date. Commissioner Reinhardt-Stewart shared that a proposal had been submitted to present at the American Probation & Parole Association (APPA) Summer Training Institute which was approved. The presentation covered "Effective Strategies for Approving Compliance and Addressing Enforcement of Compact Rules".

Due to the Annual Business Meeting being held virtually this year, it was decided to do an abbreviated version of the meeting so the Training Committee was not called upon to assist as in the past.

Compliance Committee

Commissioner Reinhardt-Stewart shared that she and DCA Rader both serve on the Compliance Committee at the national level. A meeting had been planned for May 25, 2021, however, the meeting was cancelled as it was not necessary at that point. DCA Rader shared information about the Committee and the informal dispute resolution process.

The Compliance Committee has been talking that it is going to be coming up with an acceptance rate standard for outgoing cases for being approved which will be later this fall so there is nothing to report out on for that. However, the results of the FY2022 Audit on the Discretionary and Mandatory Acceptance Rate will play a part in the decision as to what that standard will look like.

DCA Rader stated on the audit piece we are going to talk about a data focused training that is going to be the next item on the agenda. As to the Rejection Assessment, she stated we don't have a lot of information on that.

Update on DCA Dashboard Program—Q1 Offender Management (July-September 2021)

Commissioner Reinhardt-Stewart shared that kickoff sessions for the DCA Dashboard Program for Q1 were held by the Commission which states were invited to participate in and that she and Blair Hofeldt had participated in for Parole. DCA Rader shared that she and Susan Barnard had participated in it for Probation. Commissioner Reinhardt-Stewart stated the focus of the 1st quarter covered correcting offender data elements and cleaning up junk and duplicate records. She explained what a junk record is as well as duplicate records. As a result of Q1, the Commission found that a number of states are not routinely doing data cleanup. In fact, there was a low rate of participation in the DCA Dashboard Program by states in a program that was designed to help states improve their processes in those areas. Nebraska has done very well in its data cleanup.

Commissioner Reinhardt-Stewart shared the next quarter of the DCA Dashboard Program (October-December 2021) will focus on offender retaking. An enhancement was put into place in April 2021 that will assist with cleanup in this area and she explained about an Addendum that the Receiving State can submit in the Interstate Compact Offender Tracking System (ICOTS) which tells the Sending State that the individual is no longer required to be retaken. Part of the need for cleanup came about due to COVID as states were doing workarounds to have offenders continued on supervision in the Receiving State or having offenders return to the Sending State on their own versus the Sending State picking up those offenders. Commissioner Reinhardt-Stewart shared some statistics the Commission had reported regarding the number of violators in the system in which there hasn't been any activity for a period of time. Therefore, the purpose of Q2 is to clean up cases that are no longer required to be retaken and

shared a case that Parole has been working on with another state. DCA Rader shared that Probation has not had that type of situation, but they have a schedule and a plan to make sure that they get handled. She stated it has been a good reminder for them to know these are activities that need to be done on a regular basis and that Susan Barnard has been doing a great job of making sure they stay on target. She informed that the previous week she sent a Compliance Report that shows the nationwide averages compared to Nebraska's averages, which includes Probation and Parole together, and for every single category we are above the state average or within .03 percent of the nationwide average. Some of them were as high as 96 percent on compliance. She stated she is really pleased on the data collection that Susan has been able to play a part in. Commissioner Reinhardt-Stewart shared there will be kickoff meetings for Q2 on October 6, 7, and 8, 2021, so will be registering to attend to get an idea of what the Commission's expectations are for states so that Nebraska is abiding by those.

Commissioner Reinhardt-Stewart also shared some statistics for Q1 on Offender Management that were reported by the Commission as of August 26, 2021, as it pertains to duplicate profiles and junk records. There is still a lot of work to be done by states to get this cleaned up to ensure the data is accurate. The Commission is also talking about this for states to enforce compliance and being more attentive to that.

Susan Barnard asked Commissioner Reinhardt-Stewart about Dashboard usage. Commissioner Reinhardt-Stewart responded she doesn't use the Dashboard Reports that often due to being a small state. She stated that when she sees things, she goes in and takes care of them so they are not compounding. Susan stated she really likes the Dashboard but that one needs to force oneself to take time to run certain ones. Commissioner Reinhardt-Stewart stated that is what the Commission wants states to do is set up a timeframe, such as weekly to run these reports. It was noted that Probation is checking it quarterly. Commissioner Reinhardt-Stewart stated that Parole is too small to do on a weekly basis since matters are being handled when they are discovered but is something that will be talked about. The Commission would like to have states put that in their policies.

Update on Rejection Assessment (if available)

Commissioner Reinhardt-Stewart stated earlier that DCA Rader mentioned the date on the rejection assessment is not yet available. States are to receive their assessment results as well as a link to a self-assessment prior to December 31, 2021. Therefore, it is not certain what that timeframe will be; however, the self-assessment asks for information on each state's procedure or plans to increase acceptance rates and improve training. Once the results for Probation and Parole are received, each Compact Office will be able to go in and look at that and determine if additional training needs to be done. Commissioner Reinhardt-Stewart referred to the minutes of the previous meeting in which it was shared that one of the pilot states—Minnesota—had found that staff were not actually contacting the residence plans to verify that the person could reside there and were having a lot of rejections as a result; therefore, training was done with their staff and they had already seen an improvement in acceptance rates. It will be interesting to see the results and whether there are improvements that can be made within our agencies to increase acceptance rates.

Commissioner Reinhardt-Stewart shared there has been talk with Iowa about a border meeting (possibly spring of 2022) that Iowa has conducted with Minnesota and Wisconsin in the past. They have invited Nebraska and South Dakota to join them this year. One of the items Commissioner Reinhardt-Stewart is thinking to talk about is Parole's Protocol on Domestic Violence. If the offender hasn't had treatment, we don't want them to go to somebody's residence that could be a potential victim. That would be

something that could be shared on the Parole side so that states are not sending plans that have no chance of being approved. The purpose of the border meeting is to share information amongst the states to provide information about the different programs so there is understanding amongst the states and better decisions can be made. It will be good to participate if that meeting does occur.

Commissioner Reinhardt-Stewart shared that upon completion of the self-assessment, there will be a report that comes out. The report will give states an idea of what things look like from a national standpoint and will hopefully lead to making decisions to better improve acceptance rates.

Proposed Final Rule Amendment & ICOTS Enhancement for Vote at Virtual Annual Business Meeting

Commissioner Reinhardt-Stewart shared the proposals being addressed will be voted on during the Annual Business Meeting to take place the following week. She shared there will be a presentation the following day to address the Rules proposals and ICOTS (Interstate Compact Offender Tracking System) proposal. Due to it being a virtual meeting, there is a different kind of set up. The Midwest meeting, of which Nebraska is a part, will be that week on Thursday and then the actual Annual Business Meeting will happen the following week.

DCA Rader presented the proposals, indicating there are only a few, and gave a summary of each. She stated we don't have any major concerns about these Rules proposals, that it is felt they are solid and that they will benefit our state. The first is a By-Law change that adds NDAA (National District Attorney's Association) as an ex-officio member. She stated we are fine with that. There are several ex-officio members and they add them as there becomes a need or as an advocate.

DCA Rader stated the next is a rule change about probable cause hearings, that it is clarification that probable cause must be established prior to retaking on a violation that is justifiably revocable in the Receiving State. The Midwest Region proposed the rule change and we think it's fine. Most of the time when offenders are in custody they are waiving the probable cause hearing but that sometimes there is a hearing that happens, and this is just clarifying that.

DCA Rader stated the next proposal changes the timeframe for issuing a warrant to a standard 15 business days when an offender fails to arrive or return as instructed or is subject to retaking. This brings that 15-day timeframe in line with other timeframes in Interstate Compact Rules. There is always this random timeframe, some are 10, some are 15, some are 30, some are 21, on the juvenile side there are 45 days and 90 days. She stated it is actually giving a few more business days than before, that they are okay with that—they think they can comply. She stated they have been watching warrants and the issuance of warrants very closely on both the Parole and Probation sides.

Commissioner Reinhardt-Stewart shared it is supported on the Parole side because it is thought that sometimes states take too long to issue their warrants. In the past when she has asked another state if their warrant has been issued in NCIC she has been told they are in the process of getting it issued. When asked when it might be issued, she was told it could take up to 30 days. On the Parole Board side, the Board gets them issued within a day of a request being made. It is going to be difficult for some states to meet that deadline but it is best for public safety.

DCA Rader stated the last proposal listed on the summary talks about a new audit or tracking tool that is going to be essentially programed into ICOTS. What happens now is that Parole has a spreadsheet that tracks parole warrants and DCA Rader stated that she and Susan Barnard have a separate spreadsheet

for tracking Probation warrants. This will provide a tool that everybody in the country uses to track warrants and have a mechanism in place as there are states that aren't yet tracking their warrants. Commissioner Reinhardt-Stewart recognized Blair Hofeldt for doing most of the tracking of the warrants on the Parole side. DCA Rader stated this should make it easier and provide new email notifications to manage the warrant status information based on triggers such as if they fail to arrive or discretionary retaking. If there are updates to warrant status information, an email will be received. She stated that is a great way to manage your workflow and to organize your day when those alerts are received. It is going to create a new managed activity for discretionary retaking when needed and gave an example of discretionary retaking for Probation. This gives the opportunity to be able to track that in ICOTS. She stated we think this sounds like a great idea we are going to have this system but the cost is \$95,190. She stated the Commission has the money from dues, but they are not sure that they want to spend \$100,000. She stated she and Commissioner Reinhardt-Stewart would argue that for victim safety and offender management that we probably need to spend it, that it is important to be able to provide this and to mandate it for states not yet doing this so expressed they are in support of it. In conclusion, DCA Rader stated, so everyone is aware, that Commissioner Reinhardt-Stewart is planning to vote in support of all these proposals. She stated if there are any questions regarding the proposals to feel free to contact Commissioner Reinhardt-Stewart.

Commissioner Reinhardt-Stewart stated in regard to the dues that were mentioned, the Commission gave a one-time reduction for states this past year as a result of COVID 19. This was because of the budget situation a lot of states were facing. The Commission has also done an evaluation of dues going forward and we learned that the dues structure for Nebraska will remain the same. We will be in the same tier as we were before so for next year we will be paying the same dues as we have always paid in the past, with exception of the one-time reduction this past year that we benefitted from as a state, so that is good news.

Next Meeting – Adjourn

Commissioner Reinhardt-Stewart stated she will be sending out a Doodle Poll again, probably within the next month, regarding dates for a spring meeting as this seems to work best. She asked that everyone respond and let us know their availability.

Commissioner Reinhardt-Stewart wanted to bring attention again to the Annual Report; there is a lot of good information in it so members were asked to review and if have any questions to let her know. She also stated an update to the State Council's roster and member terms was made and asked that if there is any information that is not accurate to let us know so it can be updated.

There being no further business, DCA Rader moved to adjourn the meeting; seconded by Andi Hart.

The meeting adjourned at 9:42 a.m.

Submitted by: Sharon Wilkens