April 6, 2011  
2:00 p.m. – 4:00 p.m.

Location:  The Roman L Hruska Law Center  
635 S 14th  
1st Floor Conference Room  
Lincoln, NE 68508  
(402) 475-7091

Agenda

2:00 pm  Call to Order/ Roll Call  
Ellen Fabian-Brokofsky, Probation Administrator / Interstate Compact Commissioner

2:15 pm  Approval of the Meeting Minutes; October 6, 2010

2:15 pm – 2:45 pm  New Commissioner Appointment  
• State Council Vote

2:45 pm – 3:15 p.m.  ICAOS Rules  
• Effective March 1, 2011  
• Training Rules

3: 15 pm – 3:30 pm  ICAOS Annual Audit  
• Report and Results

3:30 p.m.  Old Business  
• Training Jails

3:45 p.m.  New Business  
• JBE Training  
• New Rule Amendments

4:00 p.m.  Adjourn

Correspondence or Questions Contact:  
Kari Rumbaugh, Probation DCA  
402-471-2855
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 2:02 p.m. by Commissioner Ellen Fabian Brokofsky. Per open meeting laws, the meeting notice had been published and posted, and proceedings were being recorded. Roll was called.

Present:
Ellen Fabian Brokofsky, Mark Christensen, Jeffrey Davis, Cathy Gibson-Beltz, Linda Krutz, Judge Paul Merritt, Jr., James Pearson, Sally Reinhardt-Stewart, Kari Rumbaugh, David Sankey, Larry Wayne and Mark Young. Also present: Catherine Corbet.

Not Present: Joana Svoboda Briggs, Judge Kenneth Vampola,

Approval of Minutes:
The Minutes of the April 28, 2010, meeting were approved as read. The Minutes of October 6, 2010, meeting were approved as corrected.

New Business:
Discussion was held regarding appointing a new Commissioner for the Council. It was determined the most recent amendment to bylaws changed the term of the Commission from three years to four. Therefore, the Council will elect a new Commissioner in 2012.

Commissioner Brokofsky thanked Cathy Gibson-Beltz, Kari Rumbaugh and Sally Reinhardt-Stewart for their continued assistance with the duties of the Commissioner.

Rumbaugh and Reinhardt-Stewart reported on the Interstate Commission for Adult Offender Supervision (ICAOS) 2010 Annual Meeting, which was held October 12-13, 2010, in San Antonio, Texas. Rumbaugh shared a PowerPoint presentation on the 2011 Rule Amendments that went into effect March 1, 2011. She pointed out all the proposed amendments that had been discussed at the October 6, 2010; meeting had passed at the National meeting. This included the amendments regarding Violent Crimes and Violent Offenders (Rules 5.101, 5.103 and 5.103-2). Discussion was held on the impact this amendment, especially the removal of the option of allowing a sending state to order an offender to return without first issuing a warrant.

Also discussed was the new mandatory retaking for offenders who abscond, including the requirements needed to determine that a probationer has truly absconded and determining if he/she is avoiding supervision. Rumbaugh and Reinhardt-Stewart told council members they train officers to use a minimum of at least three methods to attempt to find the offender: telephone, mail and home visit. They also suggest attempting contact through a visit with the offender’s employer and contact with any known friend or relative. In addition, it was
recommended to check with other individuals who would be involved with this type of situation like judges, stakeholders, county attorneys and public defenders.

Rumbaugh also reported that due to new rule change language and Nebraska’s Statute regarding the sending of Presentence Investigations with Interstate Compact Transfer Requests will no longer be allowed unless a judge enters an Order releasing it.

Gibson-Beltz reported their office will not send psychiatric reports or forms through the Interstate Compact Offender Tracking System (ICOTS) because Parole’s staff attorney was concerned about the possibility of information being accessed by the public. These reports are sent via U.S. Mail to the receiving state by the parole office.

Gibson-Beltz also stated both Rumbaugh and Reinhardt-Stewart offer effective training on Interstate Compact matters and rules for officers, judges, county attorneys, jail officials and other stakeholders. Rumbaugh offered to inform council members of the next training session dates should they wish to attend. Most trainings are now offered on line or via teleconference.

Rumbaugh reported the first audit of Nebraska’s ICOTS cases was completed by the National office. She said the results were positive, with most categories receiving 80 to 90 percent ratings. Areas of concern raised--duplicate offender cases and timely submission of Case Closures--have been addressed. Gibson-Beltz and Brokofsky thanked Rumbaugh and Reinhardt-Stewart for their hard work on completing the audit for the state.

Brokofsky asked for the current numbers of Interstate Compact cases. Rumbaugh said adult probation has 589 cases coming in from other states and 355 cases going out to other states. Reinhardt-Stewart said parole has 195 cases coming in from other states and 72 cases going to other states.

Old Business:

Brokofsky asked for an update on offering Interstate Compact training for jail officials. Linda Krutz offered to contact the person in charge of that training and get the telephone number of the contact to Rumbaugh and Reinhardt-Stewart.

Rumbaugh reported there are new rule amendments that will be up for vote in at the next annual meeting. They are:

1. An addition to the ICAOS Bylaws--Standing committees: Outlining the process of establishing an ad hoc committee.
2. Amending the definition of a Resident: adding offenders who are on active military deployment do not lose their residency status during deployment.
3. Amending the definition of Violent Offender: clarifying that use of a weapon must be used against a person (and not simply be present) for the offender to be considered violent.
4. Amending the definition of Violent Offender: specifying the sending state, not the receiving state, determines whether an offender is to be considered violent.
5. Adding a new rule (3.101-4): New York wants to completely transfer cases to other states by giving jurisdiction to the receiving state, not simply asking for courtesy supervision. Rumbaugh Kari added this amendment does not have much support other than from the East Region and doubts it will pass.

6. Amending the requirements of a Transfer Request: requiring the inclusion of the specific offense at conviction and the sending state’s statute number for that crime.

7. Amending the requirements of a Transfer Request: requiring the inclusion of information regarding any known gang affiliation of the offender.

8. Amending the requirements of a Transfer Request to require the inclusion of supervision history so long as the offender had been supervised for more than 30 days as of the date of the Transfer Request.

9. Amending the requirements of a Return to Sending State: in victim-sensitive cases, the sending state shall not approve Reporting Instructions for a returning offender until the steps for victim notification have been followed.

Reinhardt-Stewart reported there is an additional proposed rule amendment that is more specific to parole cases:

1. A sending state may submit a transfer request up to 120 days prior to the offender’s planned release date from a correctional facility. The sending state will also be required to notify the receiving state if the release date changes. She added that acceptance of a transfer request will be good for up to 120 days after the date of acceptance.

Discussion was held on whether all incoming transfer requests were approved. Reinhardt-Stewart said for parole most of the requests that fell under the mandatory acceptance categories were accepted and many of the discretionary cases were accepted so long as there was a good reason listed for the request. Rumbaugh said probation also follows the mandatory acceptance categories so long as there is a valid plan of supervision. She added for discretionary cases, probation supports officers investigating discretionary cases to determine if the supervision in Nebraska is the best place for the offender to succeed. Brokofsky added this attitude is the result of a culture change within the last five years to treat interstate compact offenders the same as offenders placed on probation in Nebraska, offering the same services to all.

Issues with Iowa utilizing Nebraska’s Drug Court without going through the Compact procedure were also discussed. Rumbaugh explained Iowa has categories of postponed probation and internal probation that Iowa views as not being required to go through the Compact. Rumbaugh said this situation appears to be limited to Iowa and not other states, so she and the Iowa Deputy Compact Administrator are attempting to decide how to handle these cases.

Following discussion on Transfer Request acceptance and Iowa probation cases, council members deliberated as to whether to vote on the proposed rule amendments at that time or immediately prior to the National Annual Business Meeting in September. Gibson-Beltz moved the group vote that date with the provision that Rumbaugh keep the board apprised of any new development on the rules. Krutz seconded the motion. The motion passed unanimously by voice vote.
Mark Young moved that Nebraska support all of the proposed amendments with the exception of the addition of Rule 3.101-4 wherein a case would be completely transferred to the receiving state by changing jurisdiction of the case rather than request courtesy supervision. David Sankey seconded the motion. The motion passed unanimously by roll-call vote.

Reinhardt-Stewart passed out a handout with statistics regarding parole cases.

**Next Meeting:** October 19, 2011, at 2:00 p.m. The location will be announced.

**Adjournment:** There being no further business, the meeting adjourned at 3:15 p.m.

**Submitted by:** Catherine Corbet