Nebraska State Council
Interstate Compact for Adult Offender Supervision

April 11, 2012

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 2:06 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, Cathy Gibson-Beltz, Jeffrey Davis, Linda Krutz, Judge Paul Merritt, Jr., James Pearson, Sally Reinhardt-Steward, Kari Rumbaugh, Colonel David Sankey, Larry Wayne, Mark Young. Also present: Catherine Corbet.

Not Present: Senator Mark Christensen, Joana Svoboda Briggs, Judge Kenneth Vampola.

Approval of Minutes:
The Minutes of the October 19, 2011, meeting were approved as read.

Report of Rules enacted March 1, 2012:
Commissioner Brokofsky had Kari Rumbaugh report on the new rules that were enacted on March 1, 2012. Rumbaugh reported she and Sally Reinhardt-Steward provided web-based training on the new rules on February 27, 2012, to field staff for both probation and parole. The training was recorded and is available for those who were unable to participate, or other interested in the changes.

Rumbaugh and Reinhardt-Stewart said the two significant changes involved the reporting of gang affiliation and victim notification.

1. Rule 3.107 was amended to require information about an offender’s known gang affiliation and gang name, if known. Rumbaugh said training offered on the national level has stressed that information about gang affiliation should be something that can be verified and not just reported or rumored. Reinhardt-Stewart added the parole office uses a security database to determine gang affiliation and that her officers are also required to indicate “No Known Gang Affiliation” if applicable, rather than leave the gang information blank.

2. Rule 4.111 was amended to add in victim sensitive cases. The sending state shall not provide reporting instructions until the process of notifying the victim have been followed. Rumbaugh added training on the national level has further clarified this rule to not only include notification, but also addresses the victim’s right to be heard. Larry Wayne questioned whether this meant a victim could prevent the return of a probationer. Reinhardt-Stewart and Rumbaugh stated it could not prevent the return, but was in place for safety purposes.
3. Reinhardt-Stewart added Rule 3.107 was also amended to require supervision history of an offender who has been on supervision for at least 30 days.

**Victim Information and Notification Everyday (VINE):**

Rumbaugh distributed a handout by Toni Jensen, the Domestic Violence Programs Service Specialist for Nebraska Probation Administration, that explained the VINE system and the specific service in VINE to which Nebraska Probation subscribes—notification upon release from incarceration. According to the Nebraska Crime Commission, other services are available on a fee-based system.

Cathy Gibson-Beltz and Reinhardt-Stewart said information about offender movement is inputted by correction facilities. They added Parole officers in Nebraska currently inform victims about the VINE program, noting it is still the victim’s responsibility to submit their information to VINE so notification can take place when an offender has moved, absconded or is apprehended. Reinhardt-Stewart added the parole office has its own notification system, and also refers victims to the VINE program.

Rumbaugh stated Probation requires victim contact be made on all CBI cases and all CBR cases involving crimes against persons, but currently does not use VINE because a probationer does not fall within the release from incarceration status where VINE notifies. She added the ICAOS Victim Committee is interested in adding victim notification to the Interstate Compact Offender Tracking System (ICOTS). Rumbaugh also informed the council that VINE and ICOTS were both developed by Appriss.

Commissioner Brokofsky questioned whether the council would be interested in expanding the use of VINE for probationers convicted of a felony who are a part of Interstate Compact. After discussion as to questions of cost effectiveness, Gibson-Beltz moved the council look into the cost associated with expanding Nebraska’s subscription to VINE and using it to the benefit of Interstate Compact-related cases. Larry Wayne seconded. The motion passed by unanimous voice vote. Discussion also occurred around who is responsible for informing the victim about access to VINE, Mark Young reported the County Attorney send a letter in his office, but believes it is different in all areas, Commissioner Brokofsky asked this be looked into and the information brought back to the next meeting.

**National Memorandum of Understanding (MOU)**

Rumbaugh referenced a handout that had been emailed to council members regarding a Memorandum of Understanding (MOU) to merge ICOTS data into one of Appriss’ fee-based programs called *JusticeXchange*. The finalized MOU was approved by the ICAOS Executive Committee and signed into effect on January 1, 2012. Rumbaugh said this will allow subscribers of *JusticeXchange* to access some information in ICOTS, with a percentage of any fees obtained by this MOU to go back to ICAOS, most likely to be applied towards ICOTS maintenance. Gibson-Beltz said only law enforcement agencies are allowed to apply for access to *JusticeXchange*. Rumbaugh added since Nebraska does not participate with this program, it does not impact our state.
Old Business:

Rumbaugh reported that thanks to the assistance by Mark Young, she and Reinhardt-Stewart are on the schedule to present at the fall County Attorney meeting. Rumbaugh and Reinhardt-Stewart with the assistance of Linda Krutz presented for the second year at the state jail employee conference, noting attendees were interested in the rules and understanding the process. Training is also being arranged for the Sheriff’s Association, with the assistance of Jeffrey Davis.

Additional training was provided for new judges by Rumbaugh through a Judicial Branch Education (JBE) program on February 16, 2012. The training was recorded and is now posted to the JBE website and is assessable to the judiciary at any time. This information, as well as the new rules were also shared with the employees of the Supreme Court in the February Administrative Memo.

New Business:

Commissioner Brokofsky and Gibson-Beltz provided an update of the Memorandum of Understanding (MOU) between Nebraska Probation and Parole. Gibson-Beltz noted the agreement is between the two agencies for providing dual supervision of probation and parole when it involves an Interstate Compact offender. She added the agreement is that if an offender is on both probation and parole, the case will be supervised by a parole officer during that dual time. This is to prevent two officers duplicating services as well as charging an offender duplicate fees. Brokofsky added the MOU was reviewed, confirmed and signed by officials with the Nebraska Supreme Court and Nebraska Department of Corrections.

Vote New Nebraska ICAOS Commissioner:

Commissioner Brokofsky noted her term as commissioner for the council had ended. She expressed appreciation to Rumbaugh for her day-to-day work with Interstate Compact for Nebraska, as well as serving on national committees, providing training and receiving recognition on the national level. Brokofsky also thanked Reinhardt-Stewart for all of her hard work as well. At Brokofsky’s request, Rumbaugh explained the role of the commissioner, the history of the position alternating between probation and parole and the process of the vote, and the inclusion of the Nebraska commissioner on the national Compliance Committee. Following discussion, Brokofsky nominated Cathy Gibson-Beltz to be commissioner for the next four years. It was seconded by David Sankey. By unanimous roll-call vote, Gibson-Beltz was elected as Commissioner.

It was decided Rumbaugh will inform the governor’s office to request the certificate officially appointing Gibson-Beltz as commissioner and Brokofsky will draft a letter notifying the national office.

Next Meeting: October 3, 2012, at 2:00 p.m., at the Department of Corrections.

Adjournment: There being no further business, the meeting adjourned at 3:09 p.m. Motion Gibson-Beltz, was seconded by James Pearson.

Submitted by: Catherine Corbet