Interstate Commission for Adult Offender Supervision (ICAOS)
Nebraska
Interstate Compact State Council Meeting

October 16, 2014
2:00 p.m. – 4:00 p.m.

Location: Department of Correctional Services
Emergency Command Training Center
Folsom & W. Prospector Pl., Bldg. #1
(Lincoln Regional Center Campus)
Lincoln, NE 68522
(402) 471-2654

Agenda

2:00 pm  Call to Order/Roll Call
Cathy Gibson-Beltz, Adult Parole Administrator/Interstate Compact Commissioner

2:15 pm  Approval of the Meeting Minutes: June 17, 2013 and March 13, 2014

2:15 pm – 2:30 pm  ICAOS Committee Updates
- Executive Committee
- Compliance Committee
- DCA Liaison/Midwest Region
- Training Committee

2:30 pm – 3:30 pm  Old Business
- Implementation of ICOTS VINEWatch – Probation – Kari Rumbaugh
- Update of ICOTS VINEWatch – Parole – Tom Verplank
- Update on Compact Training Efforts
- Revision to State Council By-Laws – Kari Rumbaugh
- State Council Member Update/Terms to expire 1-1-2015 – Sally Reinhardt-Stewart
- Update on 2014 DCA Training Institute/Annual Business Meeting to Include ICOTS Enhancements

3:30 pm – 4:00 pm  New Business
- FY 2014 Annual Report (Distribute)
- FY 2015 Compliance Audit – Sally Reinhardt-Stewart
- 2015 Rules Amendment Proposals
- Schedule Next Meeting

4:00 pm  Adjourn

Correspondence or Questions Contact:
Sally Reinhardt-Stewart, Parole DCA
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Nebraska State Council
Interstate Compact for Adult Offender Supervision

October 16, 2014

Call to Order/Roll Call:
The regular meeting of the Nebraska State Council for the Interstate Compact for Adult Offender Supervision (ICAOS) was called to order at 2:00 p.m. by Commissioner Cathy Gibson-Beltz. Per open meeting laws, the meeting notice had been published and posted, and the proceedings were recorded. Roll was called.

Present:
Cathy Gibson-Beltz, Deb Minardi, Kari Rumbaugh, Sally Reinhardt-Stewart, Jeffery Davis, David Sankey, Mark Young, Judge Paul Merritt, Jr., Larry Wayne, Joanna Svoboda Briggs, Catherine Corbet (Guest), and Abbie Christian (Guest). The recorder was Kery Horner.

Not Present:
Linda Krutz, Judge Kenneth Vampola, and Senator Mark Christensen. James Pearson has retired, with no replacement as of this meeting.

Approval of Meeting Minutes:
A quorum was established. The Minutes of the June 17, 2013 meeting were reviewed and approved as read. The Minutes of the March 13, 2014 meeting were also approved as read.

ICAOS Committee Updates:
  Executive Committee: The Annual Business Meeting of the Interstate Compact was held in August in Oklahoma City. The newly-elected Chairperson of the Interstate Compact is Sara Andrews of Ohio, who will be putting together her own Executive Committee. Cathy Gibson-Beltz, as Midwest Chairperson, will continue in her position as a member of the Interstate Compact Executive Committee until at least the next Annual Business Meeting. Kari Rumbaugh has been an active member on the Training Committee, and will be missed as she accepts her new position with the Juvenile Division.
  Compliance Committee: Member Cathy Gibson-Beltz reported on compliance issues. Court Action had been filed against the State of California by the Interstate Compact due to California being non-compliant with the rules. That has been settled. California has agreed to follow the rules, and has made significant improvement. California will be responsible for payment of the costs of the lawsuit. They have stepped up and are now doing what is needed to be in compliance.
  The other significant issue was a case involving North Dakota supervision of an offender from Georgia. Georgia would not expand a local warrant to a nationwide warrant for a significant violation. It seemed to be the local jurisdiction’s refusal, at the Sheriff level. Georgia was fined $100,000 which will be abated if Georgia will implement a plan for coming into compliance with the rules of the Interstate Compact.
  DCA Liaison/Midwest Region: Kari Rumbaugh reported a turnover of Chairperson for the Deputy Compact Administrator (DCA) Liaison Committee, as well some Regional Committee members. Kari has served as DCA Liaison Midwest Region Chair.
  Kari spoke about the funded mentoring program initiated by the Committee for training new DCAs. The Chairperson of each Region will reach out to the Region’s new DCA. Mentors could conduct
training on site, or the trainee DCA could go to the mentor’s location to observe and train. The committee would pay or sending a mentor to the new DCA’s state for a training day trip.

At the August Annual Business Meeting in Oklahoma, the Committee held a DCA training institute one day before the Commissioners arrived. It was a full day of training on rules clarification, and working through questions between DCAs on rules of different states. The Training Committee and DCA Liaison Committee partnered to offer that training institute, which was well attended and received. Survey Results from the last day of the 2010 Annual Business Meeting had also been made available, and training was done on items suggested in those surveys. Sally had been involved with a Workgroup to discover what other training items might be beneficial and training was done for those as well. It was a full day and beneficial, with good feedback. Cathy mentioned the training institute had the highest scores in feedback.

Cathy added that another area receiving high scores in the survey was the panel discussion by Nevada, Colorado and Washington about legalization of marijuana and how it is impacting supervision and drug testing. There are questions about drug testing, and how that will be accomplished when a Nebraska offender goes to another state. Kari noted it was very interesting that the three states were different, even from each other, in laws and the way they look at substances and use. Cathy added that even the taxation of legal marijuana has altered patterns in some users.

Judge Merritt discussed using specific language in orders to make sure the differences in state laws are addressed, such as which substances are actually legal or illegal in the receiving state, and making sure the desired tests are covered in the order. There was also discussion about Special Conditions imposed being due to the actual case, contrasted with those which modify lifestyle.

Training Committee: Kari reported that training continues for field staff and is available online. For the most part, it is monthly/weekly training for field staff at Compact Offices.

Cathy added that the new Training Chair is Ann Precht from North Carolina. She will make changes to the Committee so that it is not necessarily composed of trainers. Commissioners could serve on the Committee without the time involved with actual training. A cadre of trainers could be organized to do the actual training. Sally had previously indicated she would be interested in serving on the Committee.

Old Business:

Implementation of ICOTS VINEWatch: Kari reported that Probation is moving forward with VINEWatch. Protocol has been written and moved through the Executive Policy Committee, and will go to all of the Chiefs to be trained at the management meeting next week. The training will be done for all Probation Officers, so they will know the plan in regards to initiating VINEWatch. Progress is being made, with an eye to full initiation for Probation in November or December.

There was a point made by Catherine about VINEWatch being available to victims of crimes against persons, not property crimes.

Sally spoke for Parole in the absence of Tom Verplank. VINEWatch has already been implemented for Parole, and is based on an offender having a Victim Notifier on file with the Department. Since implementation, there has not been much VINEWatch activity across the country. The National Office is trying to increase knowledge of VINEWatch throughout all Compact states. Nebraska has received its first request for registering for notification through VINEWatch. Cathy mentioned that VINEWatch has been up for six or seven months now in Parole.

A question was asked by Catherine, as to how people find out about VINEWatch. Mark said the County Attorneys have a brochure in place explaining Vine and VINEWatch, and other services available. In larger counties, the Victim Unit will walk people through the process of signing up. This is already in place. Our Victim/Witness Advocate is the primary resource for that and does a good job.
Sally continued with Parole's process. When our Records Department sends a letter to victims confirming that they are signed up for victim notification, a Quick Reference Guide for VINEWatch is included. In the future, should the offender move out of state the victim has the information available. Cathy added, there is a link to Vine under the Board of Parole's website and the Interstate Commission also has a link. The Board of Parole website should be available via Google. Mark said he has referred people to these links and has had positive feedback. People found their questions were answered.

Discussion continued. Kari said that in Probation, an Officer is expected to make a phone call to the victim to notify them of offender transfer and explain VINEWatch. A lot of different notifications are available to victims, and these are explained during the phone call. Sally clarified a point: For Parole the victim must have already signed up for notification in order to be contacted. VINEWatch would be offered to a victim who has already expressed concern and for whom we have a notifier on file. Joanna suggested that the Victim/Witness Program and VINEWatch might benefit from more coordination in alerting Vine participants when an offender moves out of the state. Some possible options were discussed. Joanna will do some follow up.

**Revision to State Council By-Laws/Term Expiration for State Council Member on January 1, 2015:** Copies of the By-Laws as Amended September 24, 2014 had been distributed in the meeting folders. A copy showing changed/struck language, and a revised copy were furnished. The changes were discussed. Main points centered on the appointment and term of office for Council Members, and meeting notice time frames. After discussion, it was decided that the proposed changes needed revision. A new draft will be drawn up, sent out by email, and voted at a special Tele-Meeting at 2:00 p.m. CST, on Monday, December 1, 2014. This meeting will be publicized per Open Meeting Laws, with a link for the public to observe the meeting.

**Update on Compact Training efforts:** Sally Reinhardt-Stewart reported. At the last meeting there was discussion about Probation and Parole doing joint training for new rules amendments which went into effect March 1, 2014. There had previously been discussion about possibly getting on the Judges Meeting Calendar for Judge Vampola. The Judge did report back that a time was not set on the Judges Calendar.

Information on the Jail Conference was received from Jeff. It was a little late for participation this year, but contact will be made about the possibility of presenting next year. If no time can be found on the agenda, one possibility would be to have a booth at the Conference to provide information to those in attendance. Linda Krutz or Denny Macomber may be able to help with getting on the Jail Conference agenda.

Kari reported that she has continued to publish articles on the “Administrative Memo” which goes to all Judicial Branch employees. She has been posting new rules there, and has continued writing for the Sheriff Association newsletter and magazine. She passed around an article updating Sheriffs on new Compact rules that had come into effect for both adult and juvenile cases. She has also been writing for training purposes.

Catherine Corbet and Abbie Christian have been doing some traveling in several districts, supporting Officers with training. Most recently they visited Gering, District 12. They have had good response. If districts reach out to them, they are available for day training, or refreshers. Probation training for new officer's includes a full day of Interstate Compact training, and full Rules training, and ICOTS training.

Cathy reviewed what Lincoln and Omaha do for training, noting that in those locations there are specific ICOTS Officers. Sally mentors the Officers through their first couple of cases. Cathy made a point that it will be different in the Regions. Field Training Officers will help with training in those areas.

Catherine continued. The regional training has been successful, with great feedback. The new Officers take in all the information, but they have found that some review training is needed to have it all fall into place. It has all been very positive.
Update on 2014 DCA Training Institute/Annual Business Meeting to include ICOTS Enhancements: Kari shared information from the Annual Business Meeting. The Interstate Compact has reached the point that some good, helpful enhancements can be made to the Interstate Compact Offender Tracking System (ICOTS). In years that are not designated for rule-making, there is enough funding available to do this. The program has stabilized and it is time for needed changes. A list of enhancements for 2015 was provided to each meeting participant.

Cathy added, the Compact is also working with JUSTICE, FBI Index and Fusion Centers so state tracking data for offenders can be integrated for states that wish to participate.

New Business:

FY 2014 Annual Report: Annual Reports were distributed at the Annual Business Meeting, and to each participant at this meeting. The numbers of cases in different categories for Nebraska were reviewed. Highlighted was the fact that Nebraska has more cases coming in than going out. For 2014, total incoming cases numbered 823, total outgoing numbered 403, and the total number of Nebraska offenders involved in Interstate Compact was 1226. The State Council sent a copy of the FY 2014 Annual Report to the Governor and to Director Mike Kenney.

FY 2015 Compliance Audit: Sally reported that Nebraska’s Compliance Audit was conducted by the Commission in September. Added this year was a compliance point to deactivate users that have not used ICOTS within the last 12 months. We had more than 20% non-compliance due to the fact that any Parole Officer could receive an ICOTS case at any time, so all are activated. To remedy the compliance issue, a procedure has been established to have all activated, potential users log in every 6 months during periods of non-use, and also to deactivate others who do not have a case load and do not use ICOTS for other reasons. Probation was pro-active and successful in this area of activated users. Some users were deactivated ahead of the audit after not heeding advice from Probation to log in. Those users found they had to be reactivated.

Another area addressed by Sally was deadlines. ICOTS is very technical in the number of days allowed for different actions. If an action is due on a weekend and is not completed until Monday, it will show up as non-compliance. Cathy remarked that overall Nebraska received great feedback.

2015 Rules Amendment Proposals: Cathy announced that this is the year for the Annual Business Meeting to look at rules. In March or April there will be a slate of rules to support or not support by vote. The Midwest Region will be moving to forward a rule change to address the following issue: When an offender requests Reporting Instructions to go back to the sending state, for up to 10 business days there is no mechanism for tracking to make sure the offender arrived. We would like to have the rules changed so that the state to which the offender is returning assumes supervision upon the offender’s departure from the receiving state. The sending state would then notify the receiving state when the offender arrives. Validation of the Case Closure Notice serves that function now, but may not be completed for 10 business days from the date it is submitted by the receiving state. That is a long time for some high-risk offenders.

Sally explained that the Midwest Region will also ask the Rules Committee to look at the situation in which a Transfer Request is denied on offenders who are in the receiving state on approved Reporting Instructions. This is similar in that there is no mechanism for getting the offender back to the other state when the Transfer Request is denied. That is another rule we will be asking the Rules Committee to look at, as part of rules house-keeping this year. We will not propose language, but will ask them to look at the rule.

Kari mentioned a past attempt to make a rule change, requiring that Reporting Instructions be used for all state-to-state movements. It was not supported in the past. This proposed change may not be supported by other states because it will result in more work and probably some costs. Sally explained that accountability for public safety would be better if these changes were made.
**Announcements:** Cathy asked for any other discussion before setting the next regular meeting date. Kari announced she has received a promotion with Probation Administration as of October 1st. She is now the Assistant Deputy Administrator in the Juvenile Services Division. Kari expressed thanks and well-wishes to the Council. This is her last meeting, with the exception of helping with the December 1st tele-meeting.

Deb Minardi announced that her position on the Council will be changing. She will be replaced on the Council by Deputy Administrator Steve Rovoldt, but she will continue until Steve can be appointed by the Governor.

**Next Meeting:** Tele-meeting December 1, 2014, 2:00 p.m.
Next regular meeting July 30, 2015, 2:00 p.m.

**Adjournment:** There being no further business, the meeting was adjourned at 3:25 p.m.

**Submitted by:** Kery Horner, Secretary II, Adult Parole Administration