Nebraska State Council

Interstate Compact for Adult Offender Supervision

October 14, 2020

**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 1:00 p.m. by Commissioner Jacey Rader. The meeting was published and posted per the Open Meeting Act, the Agenda was forwarded to all of the Council Members and the meeting was recorded. Roll was called by Commissioner Jacey Rader.

**Present:**

Jacey Rader, Sally Reinhardt-Stewart, Tressa Alioth, Gene Cotter, Jeff Davis, Layne Gissler, Andi Hart, Laurie Holman, Judge Mark Young, and Judge Kenneth Vampola.

Also in attendance: Abbie Christian, Susan Barnard, Blair Hofeldt, and Linda Veerhusen.

**Not Present:**

Dawn Renee Smith, Senator Anna Wishart, and Elizabeth McQueen.

A quorum was established.

Commissioner Rader explained that Catherine Corbet has retired from the Nebraska Interstate Compact Office and introduced Susan Barnard as her replacement. Susan has a degree in Criminal Justice and previously worked for the Administrative Office of the Courts and Probation. Susan was welcomed to the Council.

The minutes of the June 25, 2019 meeting, were provided in each member’s folder. Laurie Holman moved to approve the minutes of the June 25, 2019, meeting, Sally Reinhardt-Stewart seconded. The motion passed by unanimous vote.

The minutes of the September 26, 2019 meeting, were provided in each member’s folder. Jeff Davis moved to approve the minutes of the September 26, 2019, meeting, Holman seconded. The motion passed by unanimous vote.

**Old Business**:

A brief overview of the 2019 Approved Rule amendments were discussed by Commissioner Rader. The effective date of the rules were April 1, 2020. Commissioner Rader explained some of the rule amendments had to do with verbiage to ensure the language was clear. Rules that were discussed were: 1.101 Revise Definition of Abscond; 1.101-Revise Definition of Sex Offender & 3.101-3 Transfer of supervision of sex offenders;

1.101-Remove Definition of Victim-Sensitive & Temporary Travel Permit

Commissioner Rader reported to the group this rule had to do with the discontinuation of the IVINS. There were parts of the IVINS information in ICOTS, the data tracking system, which would still be beneficial, even if IVINS was not active. Nebraska was one of the states that advocated to keep some of the victim information in ICOTS. There were three separate votes for this proposal. With two passing and one failed.

3.101-1 Mandatory reporting instructions and transfer of military, families of military, family members employed, employment transfer, and veterans for medical or mental health services.

Replaces “deployed by the military” to “Under Orders” applies to a Permanent Change of Station.

Commissioner Rader reported to the council that the verbiage needed to be clear to ensure veterans could get the services that are needed.

4.106-Progress Reports on offender compliance and non-compliance

This requires additional documentation to give the receiving state more detailed information on what has been done for the offender.

4.111 (a)-Offenders returning to the sending state

This change would allow for offenders to be returned when new charges are non-violent misdemeanants.

5.101-Discretionary retaking by the sending state

This establishes additional requirements and timeframes for discretionary return and retaking of offenders by the sending state.

5.103 (d)-Offender behavior requiring retaking

This clarifies the receiving state’s responsibility to serve warrants issued by the sending state for retaking. Receiving state must follow absconder protocol (Rule 4.109-2)

Commissioner Rader reported that a joint rule training on March 12, 2020 for parole and probation was conducted by DCA Reinhardt-Stewart, Catherine Corbet, Abbie Christian and Commissioner Rader before the rule changes were implemented. Commissioner Rader invited the council to participate in the next rule trainings as a link to the website will be emailed to the council members. DCA Reinhardt-Stewart added the rules training are also recorded.

**New Business:**

*2020 Audit:*

Commissioner Rader explained that this year’s audit was more of a survey. The survey randomly selected ten (10) cases where warrants needed to be issued where the offenders had absconded.

There is a wide variance from state to state on how warrants are issued. Nebraska’s warrants procedure differs from county to county and also how the Judge would handle each warrant. Nebraska Interstate Compact office started keeping track of warrants for the state of Nebraska. The year 2021 was to be the start of the next Warrant Audit, however due to COVID-19 this has been deferred to the year 2022.

*Compliance Committee:*

Commissioner Rader reported the complaints that are being filed from other states involves issuing/or not issuing warrants in a timely manner.

The warrants issue has many states concerned with how it is handled along with entering the warrants in NCJIS.

Compliance Committee has also provided technical support and assistance to the commission related to Rule 2.111 Emergency Suspension of Enforcement. This rule states that upon declaration of the President of the United Stated and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or parts thereof, but shall not suspend enforcement of any Compact powers and duties specified in the statute.

Copy of Rule 2.111 was included in each member’s folder. A discussion about Probation and Parole responses to the pandemic in Nebraska was held.

DCA Reinhardt-Stewart reported this restriction impacted Parole with the transportation for parole returns and are managed on a case-by-case basis. A request has been made to the Parole Board Chair and the Director to have this restriction extended for another 30 days. Currently waiting to see if this extension will be granted. DCA Reinhardt-Stewart gave an example of a dual parole case with the state of Colorado and the amount of time it took to work with this case due to the COVID-19 pandemic.

Commissioner Rader reported that probation has been working on a case by case bases. There has not been a significant impact with probation cases, however working with the other states and keeping communication open is essential.

*Training Committee:*

DCA Reinhardt-Stewart reported this committee has met three times in the past year. The training committee was responsible for conducting one of the sessions at the Annual Business Meeting entitled Empowerment and Role of Deputy Compact Administrators (DCA).

Commissioner Rader reported the Agenda for the 2020 Virtual Annual Business Meeting was included in the member’s folders. This year’s Annual Business Meeting was virtual due to the restrictions of travel due to COVID-19 pandemic. Kirsten Lewis, President of KSL Research, Training & Consultation, had a session on Thriving in the Trenches. Both of these sessions are on-line for viewing.

The Annual Report is included for each council member. The Nebraska Parole incoming cases for the fiscal year as of 6/30/2020 was 209; for probation 589. Outgoing cases for parole was 64; for probation was 459. Discretionary transfer requests have increased over the pandemic.

The annual report will be mailed to the Governor of Nebraska and to the Chief Justice. Per Statute 43-1011, the Juvenile Interstate Commission shall report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year.

DCA Reinhardt-Stewart reported due to the pandemic that Parole has an emergency plan taking place with working remotely. A phased plan was in place with two separate groups with one group reporting to work on alternative days.

Commissioner Rader reported that she has been in the office during this time and some staff have been telecommuting, however compact business has proceeded uninterrupted.

DCA Reinhardt-Stewart reported to the council members that there is a direct email contact address to assist victims and family members in search of support and advocacy. It is monitored by Victims Advocates from NOVA and allows those most affected by compact offenders to ask questions and research a response in one business day. DCA Reinhardt-Stewart will forward this information to Nebraska’s Victim Representative, Elizabeth McQueen.

**New Commissioner:**

The appointment of Commissioner for the Interstate Compact for Adult Offender Supervision is a shared responsibility between Parole and Probation. Historically the Commissionership changes from Probation to Parole every four years. The by-laws state that the Commissioner can be from Probation, Parole or Corrections. In April, 2020 the commissionership should have gone to Parole, however due to the pandemic the April meeting was not held. The governor extended the commissioner appointment for another six months. Commissioner Rader asked for a motion to elect Sally Reinhardt-Stewart as the new commissioner for the Nebraska Interstate Compact. Motion was made by Gene Cotter and seconded by Layne Gissler. The motion passed by unanimous vote.

Discussion was held regarding the start date with a determination that the appointment would last until April 2024.

Commissioner Reinhardt-Stewart then reported to the council that there is a new look to the interstate website. Added to the website banner is COVID-19 restrictions and resources. There is no newsletter being sent out as the information will need to come from the website.

Motion to Adjourn:

Rader moved to adjourn the meeting; seconded by Gissler.

The meeting adjourned.

Submitted by: Linda Veerhusen