

**Nebraska State Council
Interstate Compact for Adult Offender Supervision**

June 27, 2018

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 Rader.

Present:

Jacey Rader, Sally Reinhardt-Stewart, Jeff Davis, Laurie Holman, James Masteller, Elizabeth McQueen, Rex Richard. Also in attendance: Abbie Christian, Catherine Corbet, Blair Hofeldt, Quintin Penner.

Not Present:

Judge Mark Young, Judge Kenneth Vampola, Gene Cotter, Senator Anna Wishart.

Approval of Minutes:

The minutes of the September 20, 2017, meeting were distributed via e-mail prior to the meeting. There being no discussion, Rex Richard moved the Minutes be approved as distributed; seconded by Elizabeth McQueen. The motion passed by unanimous voice vote.

Membership:

Commissioner Rader reported the previous council member from the Nebraska State Patrol is no longer employed by the patrol. The possibility of not filling that position was considered; however, it was decided to continue to include a State Patrol employee in council membership.

Parole Deputy Compact Administrator Sally Reinhardt-Stewart introduced Blair Hofeldt and Quintin Penner, who are employees who will be assisting DCA Reinhardt-Stewart following Tom Verplank's assignment to other duties. Hofeldt and Penner will not be voting members of the council.

Old Business:

Rule Amendment Training:

Commissioner Rader reported the 2018 Rule Amendment Training had been conducted via WebEx on February 27, 2018. A collaborative effort between Probation and Parole, more than 250 offices participated throughout the state. Commissioner Rader shared the training also included an investigative report produced by NBC regarding facilities in Florida that have been purporting themselves as drug treatment centers and have been exposed as fraudulent. The report showed some centers not only did not provide treatment, but placed offenders in physical danger or made them subject to human trafficking just to obtain insurance money. DCA Reinhardt-Stewart informed council members a recording of the training was available to

them. Commissioner Rader offered to send council members links to both the training and the NBC video.

Custodial Sanctions:

Data regarding the implementation of custodial sanctions for Interstate Compact offenders was shared by both probation and parole. Commissioner Rader stated 1,777 days of custodial sanctions were served by probation offenders in 2017. Of those, two offenders served all 90 days of custodial sanctions and were returned to sending states via violation reports. DCA Reinhardt-Stewart stated two Interstate parole clients had served custodial sanctions since implementation 10-20-2017.

Council members asked questions regarding how sanctions are determined. DCA Reinhardt-Stewart reported that Parole doesn't need to use the entire 60 days before requesting retake by the sending state for behavior requiring retaking. She said when a violation occurs that will be handled by a custodial sanction, the offender is given the option of accepting the violation, or denying it. Quintin Penner explained those who deny the violation go before the Nebraska Board of Parole for the Board to make the final determination. DCA Reinhardt-Stewart also shared that when a decision is sent to the sending state regarding an offender's transfer that a copy of the Acknowledgment of custodial sanctions is attached to the Reply indicating it will need to be signed upon arrival.

Commissioner Rader said probation offenders must serve 90 days of custodial sanctions prior to probation being revoked. Upon arrival in Nebraska, offenders are required to sign a *Nebraska Interstate Compact Offender Agreement* which is filed with the court in the district where they reside and a judge is assigned the case if a custodial sanction hearing is required.

ICAOS Rule Proposals:

DDCA Reinhardt-Stewart informed members ICAOS Rules may be changed every two years unless required by an emergency situation. She explained that 2019 will be a rule-making year and that the Midwest Region of which Nebraska is a part is working on proposed rule changes. As part of the Midwest Region, Nebraska is working with other regional states to prepare proposed rule changes for 2020.

ICOTS Performance Audit:

Commissioner Rader reported the results of the national audit were released in April of 2018 with Nebraska passing all categories that were studied. The seven items reviewed included offender photograph quality, and timeliness of submission for Case Closure Notices, Case Closure Notice Replies, Replies to Requests for Reporting Instructions, Replies to Transfer Requests, Responses to Violation Reports and Progress Reports. Council members requested copies of the audit, which were made available.

New Business:

Annual Business Meeting:

It was announced the ICAOS Annual Business Meeting will be October 1-3, 2018, in Orlando, Florida. Commissioner Rader and DCA Reinhardt-Stewart plan to attend the meeting, as well as several committee meetings.

Compliance Audits:

Specific information about compliance for Nebraska probation and parole was also conveyed. Commissioner Rader explained each probation district is tracked for compliance, checking for not only quantitative, but also qualitative standards. A handout was shared with Commissioner Rader pointing out Interstate In clients are eligible for treatment and evaluations just as those clients who were placed on probation by a Nebraska Court.

DCA Reinhardt-Stewart reported that parole cases are also subject to quality assurance and that the Interstate Compact Office is in the process of implementing its own quality assurance initiative looking at seven categories in which a tracking system is utilized as well as ICOTS with emphasis on activities pertaining to victim notification.

It was reported the subject of ICOAS compliance audits in 2019 will be the proper issuance of warrants that must be valid in all states, have no bail/bond and included on the National Crime Information Center (NCIC) database.

Tribal Work Group:

DCA Reinhardt-Stewart shared she had submitted her name to be considered for membership on this work group but that the group had not yet been formed. As more information becomes available it will be shared with members.

ICAOS Committee Reports:

Commissioner Rader informed members she is a member of the national Compliance Committee for both the Adult and Juvenile Interstate Compacts. DCA Reinhardt-Stewart informed members she is a member of the national Training Committee. She added that the committee's recent focus has been on the DCA Training Institute being held in conjunction with the National Business Meeting. Topics at the Institute are to include supervision, returns/retaking, pending charges, violations and subpoenas.

Discussion was held on violations and how officers in Receiving States relay information to the courts of original jurisdiction in Sending States. Commissioner Rader explained one advantage of being part of Interstate Compact is that officers in the receiving state can provide information to sending state officers through reports in the electronic database system, ICOTS. The officers in the sending state can then relay information reported through ICOTS. Commissioner Rader added that if a judge in a Sending State issues a subpoena for a Nebraska Probation Officer, the subpoena is forwarded to the State Attorney General's office who quashes the subpoena since that judge does not have jurisdiction over a Nebraska Officer. She added that the use of telephonic/video appearances by Nebraska officers sometimes will resolve the issue. Also, if requested by the Sending State, Nebraska will conduct a Probable Cause Hearing or have the offender waive the hearing.

DCA Reinhardt-Stewart explained in Parole a Probable Cause Hearing is conducted and that has eliminated the need for in-person officer testimony; this has not been an issue for Parole.

When asked for a legal interpretation, James Masteller explained the Rules of Evidence vary from state to state. In Nebraska, hearings on probation violations do not require compliance with Rules of Evidence so hearsay is permissible. He added those states that do not allow hearsay evidence, it is possible for court officials in the sending state to request a Nebraska judge issue a warrant for a Nebraska officer to appear; however, this lengthy process is seldom used.

State Councils:

Commissioner Rader relayed Nebraska has been recognized on the national level for its excellent State Council. Many other states' Compact Offices relate they have trouble forming a state council, maintaining membership or reaching quorum when required. An active state council is one of the requirements for being a member of ICAOS. Commissioner Rader expressed her gratitude to council members for their continued service to Nebraska.

Motion to Adjourn:

James Masteller moved to adjourn the meeting; seconded by Rex Richard

Adjournment: The meeting adjourned at 1:58 p.m.

Next Meeting: Spring of 2019. Date, time and location will be announced.

Submitted by: Catherine Corbet