



INTERSTATE COMPACT NEWS



Hello Everyone,

July 2007

I want to start by introducing Catherine Roberts the new Administrative Assistant for Frank and myself. Catherine started with interstate compact on June 4th and is available to help with questions and concerns. Catherine's direct telephone number is (402) 471-4930.

I also am going to have a big change coming in my life. I think most of you know this, but I am expecting a baby July 13th. This means I could be gone on maternity leave at any time and Catherine will be responsible for oversight of the compact office in my absence. During these few months while I am gone, I ask all of you to try and answer any questions you might have regarding the compact by reviewing your blue interstate compact manuals or using your cheat sheets. But if you have an emergency, do call Catherine and if she can not find the answer she will contact me with those questions.

Finally, I wanted to thank all of you who invited me to your district do refresher trainings. I hope they were helpful and I do plan to continue offering them yearly.

Adult Compact

I have seen some confusion regarding a few of the interstate compact rules and wanted to take this opportunity to help explain them.

The first is Rule 3.101-2 Discretionary Transfer of Supervision;

- (a) A sending state may request transfer of supervision of an offender who does not meet the eligibility requirements in Rule 3.101.
- (b) The sending state must provide sufficient documentation to justify the requested transfer.
- (c) The receiving state shall have the discretion to accept or request the transfer of supervision in a manner consistent with the purpose of the compact.

This rule was developed to allow Misdemeanor cases that do not fall under the Misdemeanor Rule 2.105 to be able to be requested for transfer. It is very important to understand the kind of cases they are talking about. These are Misdemeanor cases that due to the history of the offender, would not be safe without supervision in another state.

For example, this is a drug offense where the offender has pages of previous violations and was only charged with a misdemeanor this time. Another example is that same drug offender who has failed treatment over and over again.

The way to look at your case is – "I must transfer this case because it is not safe to have this offender in another state unsupervised".



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I also ask that with these cases you make sure to mark discretionary on the “Transfer Request Form” and provide a letter explaining the severity of the offender.

Now remember, if a case does not fit under the compact rules they can still live in another state with Administrative Supervision of your choice, or even be told they can not move if you don't feel comfortable with them living somewhere unsupervised.

I ask that you consider all of this when deciding to send a discretionary transfer. We need to make sure we are sending them correctly and not every misdemeanor case.

The second is Rule 4.111 Return to the Sending State;

- (a) Upon an offenders' request to return to the sending state, the receiving state shall request reporting instructions, unless the offender is under active criminal investigation or is charged with a subsequent criminal offense in the receiving state.
- (b) The sending state shall grant the request and provide reporting instructions no later than two business days following receipt of the request of reporting instructions from the receiving state.
- (c) The receiving state shall notify the sending state as required in Rule 4.101(a).

The reason that I am discussing this rule is because I see a lot of “Case Closure Notices” marking “Offender has Returned to Sending State”. They are sent to the compact office without the Request for Reporting Instructions. Per this rule, when an offender returns we must send the “Request for Reporting Instructions” marking box #2 “Transferred offender returning to sending state” and send the “Case Closure Notice”.

It is our responsibility to contact the offender when we get the reporting instructions back and giving them the reporting information. This is done so we don't lose an offender and so we make sure the other state really knows they are returning.

Please remember, the offender can immediately return, but they must provide you with a phone number to contact them when you get the reporting instructions back.

Finally, Rule 4.110 Transfer to a Subsequent Receiving State;

If you receive a request from an offender who wants to transfer to a third state, your first step must be preparing a Compact Action Request asking the sending state if they approve this transfer. Tell your offender we can not proceed until that is done. When you get the approval you only need to take two more steps;

1. Bring in the offender to get the three forms signed (1. Authorization for release of medical & psychological information; 2. Consent to drug or alcohol test; and 3. Offender application for interstate compact transfer) and
2. Prepare a progress report.



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You will send on that information and it is up to the sending state to prepare the packet and mail it out. It is also their responsibility to inform you when they get a response.

Juvenile Compact

In regards to receiving intake calls for out of state runaways, the compact office always needs to be contacted if they are delinquent. If you have a call on a simple runaway whose parents can pick them up within 24 to 48 hours, they can be released to parent or guardian without a hearing and without contacting the compact office. If the parent or guardian can not get to Nebraska within that time frame, we must hold a hearing. You will complete the intake screening and hold the Form III – Voluntary Return hearing, but the arrangements for return will be made by the compact offices in both states. If you receive a call from a probation officer in another attempting to plan a return, tell them to call their compact office and please call us immediately. If you have a juvenile who refused to return voluntarily please call the compact office.

Also, don't forget any juvenile interstate correspondence you send to another state, needs to be mailed to the compact in triplicate. This includes transfer packets, progress reports (that need to be completed quarterly), and case closure forms.

Thank you and have a happy 4th of July,

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