



Interstate Commission for Adult Offender Supervision

West Region Meeting MINUTES

February 7, 2024 · 1:00 pm ET
Teleconference

Members in Attendance:

1. Taryn Link (AK), Chair
2. Dori Littler (AZ)
3. Brook Mamizuka (HI)
4. Deon McDaniel (NV)
5. Alex Garcia (UT)
6. Mac Pevey (WA)
7. Jeremy Vukich (WY)

Members not in Attendance:

1. Andrew Zavaras (CO)
2. Jason Johnson (CA)
3. Jeremiah Stromberg (OR)
4. Judy Mesick (ID)
5. Vacant (MT)
6. Vacant (NM)

Guests:

1. Lorna Colver (AK)
2. Matthew Poyzer (AZ)
3. Truesee Chang (CA)
4. Crissy Schaudt (CO)
5. Stacey Luke (HI)
6. Michael Knott (HI)
7. Kathy Hust (ID)
8. Nicole Rosales (NV)
9. Lyle Wieman (NM)
10. John Gillis (NOVA)
11. Tim Kincaid (UT)
12. Jessica Cook (UT)
13. Tanja Gilmore (WA)
14. Patricia Odell (WY)

Staff:

1. Ashley Lippert, Executive Director
2. Allen Eskridge, Policy and Operations Director
3. Barno Saturday, Logistics and Administrator Coordinator
4. Xavier Donnelly, ICOTS Project Manager

Approved on 5/30/2024. B.S.

5. Mindy Spring, Administrative and Training Coordinator
6. Drake Greeott, Web Development Manager

Call to Order

Chair T. Link (AK) called the meeting to order at 1:00 pm ET, seven out of thirteen members were present; a quorum was established.

Approval of Agenda and Minutes

Commissioner M. Pevey (WA) moved to approve the agenda as presented. Commissioner J. Vukich (WY) seconded. Agenda approved.

Commissioner D. Littler (AZ) moved to approve the minutes from September 19, 2023, as drafted. Commissioner D. McDaniel (NV) seconded. Minutes approved.

Discussion

Electronic Signatures: DCA M. Poyzer (AZ) noted that he received an application from a field officer that was signed electronically by a supervised individual. He asked the region members if they accepted electronic signatures on their documents.

Chair T. Link (AK) shared the *ICAOS Practice Guide: Electronic Signatures* published by the national office based on the *Electronic Signatures* round table discussion the Commission hosted in 2020. The guide states that electronic signatures are legally recognized in every state and US territory. However, the acceptance of an electronic signature may vary depending on the context, the parties involved, and the specific laws of each state. States allow digital signatures and notarization of documents utilizing versions of the Uniform Electronic Transactions Act as well as the Electronic Signatures in Global and National Commerce Act. In addition, the guide covers the following:

- What should a receiving state do when the validity of a signature is questionable, or the electronic signature is unreadable or recognizable?
- What best practices can states utilize to prevent confusion on the validity of electronic signatures?
- Have there been any legal challenges to the use of electronic signatures?
- Can a receiving state reject a transfer case solely because an electronic signature is obtained remotely?
- Are there any liability concerns if the receiving state assists in obtaining a signed application?
- Do you have to be physically present to witness the supervised individual signing the application?
- What factors are considered when determining the validity of a witness signature?
- What if the supervised individual and witness don't sign on the same date?
- Who is responsible for determining the validity of a witness signature?

Commissioner D. Littler (AZ) noted that if the state's Attorney General considered a document with the electronic signature a legal document, it was valid in that state.

Tribal Best Practices Workgroup: Chair T. Link (AZ) informed the region about the departure of Commissioner D. Blanchard (UT), who chaired the Tribal Best Practices Workgroup. She asked the region if it had any interest in continuing this workgroup and for volunteers to chair it.

The region members expressed their interest in continuing the tribal best practices workgroup.

Commissioner D. Littler (AZ) noted the importance of collaboration with tribal leaders. She volunteered to be a co-chair.

Commissioner D. McDaniel (NV), Commissioner J. Vukich (WY), and Commissioner A. Garcia (UT) volunteered to serve on the workgroup.

Chair T. Link (AK) will reach out to the commissioners who were not in attendance to see if they were interested in chairing the workgroup.

ICAOS Language Change Press Release: Chair T. Link (AK) informed the region that the Executive Committee approved replacing the term “offender” with “supervised individual” in the Commission's publications, rules, and on its official website. This change aims to foster a more person-centered approach while eliminating barriers and biases associated with traditional terminology. It demonstrates the Commission's commitment to evolving practices that align with the values of dignity and respect.

She continued that while this change applies broadly across the Commission's resources and documents, some exceptions remain. The Commission's name, terminology within the Interstate Compact Offender Tracking System (ICOTS), and language related to sex offenders continue unaffected at this time.

Executive Director A. Lippert added that the national office was working on updating the Commission's documents with the adopted change. The national office went through the rules and replaced the term ‘offender’ with ‘supervised individual’ where appropriate. Because this change is not a simple find and replace, the rules might require additional clarifying language changes. Given the complexities and scope of the work involved, the Rules Committee will hold an in-person meeting to thoroughly discuss and finalize the proposed changes.

Are there any policy or practice issues around current trends or compact procedures your state has encountered since the last region meeting? Commissioner M. Pevey (WA) noted an issue with the proper use of available resources when addressing supervised individuals' violation and behavior with extradition.

Are there any challenges or difficulties your state has encountered when interpreting the rules related to specific Compact cases that need clarification? Commissioner D. Littler (AZ) cautioned the region members about the current interpretation of Rule 3.103(a)(1) that is different from the original justification of the rule. She noted that this practice could undermine the credibility of the rules.

DCA M. Poyzer (AZ) brought up an issue with using progress reports vs. the violation reports. He stated that in Arizona, new felony behavior automatically returns a supervised individual back to prison. That is the way they treat anyone who commits a felony behavior. Therefore, they submit a violation report instead of a progress report.

Commissioner D. McDaniel (NV) noted that this action could result in costly extradition. He continued that if there is no conviction made and that individual should not be mandatorily retaken.

Guest J. Cook (UT) noted that in Utah they must notify the BOP/Court by policy if a violation is submitted even via a progress report. They also use the level of the new charges to determine whether to use a progress report or a violation report. She asked for clarification on the definition of revocation as she recently had an issue with one of her cases. She will contact the national office with the details of the case to clarify the matter.

Guest L. Wieman (NM) noted that depending on the level of new charges, their office will use either a violation report or the progress report.

Are there any potential rule amendments that we need to consider from the region? The region had no potential rule amendments.

Old Business

There was no old business.

New Business

Chair T. Link (AZ) informed the region that the ABM workgroup met on January 10 in Scottsdale, AZ. The workgroup developed an agenda based on the results of the 2023 ABM evaluation survey and the 2024 ABM needs assessment. The agenda is filled with networking opportunities and collaborative problem-solving discussions.

The 2024 ABM will take place in Scottsdale, AZ on Sept 9-11, 2024. The meeting will include the DCA Training Institute scheduled for Mon, Sept 9. The Executive Committee will review and approve the proposed ABM agenda at its April face-to-face meeting. Once the agenda is approved, the Training Committee and the DCA Liaison Committee will assist in developing the curriculum for the sessions.

Commissioner M. Pevey (WA), a chair of the ABM workgroup, added that the business meeting will include many discussions on rules and processes as well as lengthier breaks and lunches to foster networking and working partnerships.

Adjourn

Motion to adjourn made by Commissioner M. Pevey (WA), seconded by Commissioner D. McDaniel (NV). Meeting adjourned at 1:52 pm ET.