



## UPAN Newsletter Volume 3 Number 1 | **JANUARY 2016**

*“Empowerment and Growth Through Knowledge and Unity”*

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### **NEXT UPAN MEETING : MONDAY, FEBRUARY 8, 2016 6:30-8:30 PM**

Family meeting plus short animated ACLU film presented by Anna Brower, subj: BOPP. Also we hope to discuss the findings of the Legislative Board Audit if the report has been released.

**Location:** Ruth Vine Tyler Library, 8041 Wood St. (55 West), Midvale, Utah  
Wood is one block west of State Street off of 8000 South (aka 80<sup>th</sup> South)

**FYI: March UPAN Meeting: Monday, March 14, 2016** Location: TBA

### **NEXT FOCUS MEETING : MONDAY, MARCH 7, 2016 6-8 PM**

**Location:** Adult Probation and Parole Office, 36 W. Fremont Avenue, Salt Lake City UT 84101  
(FOCUS meetings are held every other month on the first Monday of the month)

### **IN THIS ISSUE**

- ACLU Community Lobby Training, Tuesday, February 9<sup>th</sup> Page 1
- Faith in Reform Summit – 2<sup>nd</sup> Annual, Saturday, February 13<sup>th</sup> Pages 2
- Historic Changes in the Criminal Justice System – A Panel Discussion, Thursday, Feb. 11<sup>th</sup> Page 2
- Board of Pardons and Parole Audit Not Released Yet Page 2
- Tentative New Appointment to Board of Pardons and Parole Pages 3 – 4
- Documentary Film Being Made on “Good Landlord” Program Page 4
- Review of January UPAN Meeting. Attendees Share Concerns with Legislators! Pages 5 – 7
- Proposed 2016 Legislation Related to Criminal Justice Issues Page 7
- Summary of January FOCUS Meeting – How the Legislative Process Works Pages 8 – 9
- FOCUS Meeting Changes with New Moderator, Brooke Adams Page 9
- Many Thanks for UPAN 2015 Christmas Cards Program, PrisonEd Summary, Willy the Plumber Page 10

### **ACLU COMMUNITY LOBBY TRAINING Tuesday, February 9, 2016 6:00 PM – 8:00 PM**

Free educational event, **RSVP Required**. For information and **to RSVP call 801-521-9862 ext. 101**  
Or go to: <http://www.acluutah.org/about-us/item/1091-community-lobby-training>

Are you interested in finding out more about how the Utah Legislature works? Are you interested in civil liberties issues but don't know how to get involved? Attend the ACLU's upcoming Citizen Lobby Training and get the answers to these and many other questions. Attendees will get updates about potential upcoming legislation related to civil liberties, the criminal justice system and more! Our presenters will also share tips on how to contact elected officials and

how citizens can ensure that their voices are heard throughout the legislative session.

**What:** Legislative Updates & Community Lobby Trng  
**Schedule:** 6:00 to 6:15 - Introductions/Refreshments  
6:15 to 7:00 - Legislature Basics/Effective Lobbying  
7:00 to 8:00 - 2016 Session Preview/Issues & Trends/  
Tour of the Capitol Building

**Where:** Utah State Capitol, Centennial Conference Room (1st floor inside the North entrance)

**2<sup>nd</sup> ANNUAL FAITH IN REFORM SUMMIT Saturday, February, 13, 2016 8:30 AM - 3:00PM**

LOCATION: Weber State University Campus, 3848 Harrison Blvd, Ogden  
In the Sky Room of the Student Union Building. Parking lots surround the building for your convenience.

Join us for our 2nd Annual Faith in Reform Summit! The day-long meeting is for all activists, advocates, community members, students, professionals and others who are working for Criminal Justice Reform in Utah.

In January 2015, the first ever Faith in Reform mini-Summit, held at Salt Lake Community College's Taylorsville Campus, was such a positive experience that the event planners have decided to go for it again in 2016! One major bit of feedback we received about last year's "mini-Summit" was that it didn't really need to be quite so "mini." We have expanded our format, to allow for slightly longer workshops and to give all attendees a chance to check out all offered workshops. We're also holding this year's Summit in Ogden, to accommodate the many activists and criminal justice issues in Weber County.

Major topics you can expect to hear about at the 2016 Faith in Reform Summit include:

- The School-to-Prison Pipeline: What is it, what does it look like in Utah, and what can we do to dismantle it?
- Justice Reinvestment: What's happening with Utah's big reform effort?
- Utah's Failing System of Public Defense: How You Can Be Part of the Solution
- Ending Housing Discrimination through Good Landlord Programs: No More Criminal Exclusions
- Human Trafficking in Utah: Bills in the legislature plus Work on the Ground

The Summit is free, but space is limited - so please RSVP as soon as possible!

More information will be posted when available. For any questions, please email:

[FaithInReform2016@gmail.com](mailto:FaithInReform2016@gmail.com)

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**HISTORIC CHANGES IN CRIMINAL JUSTICE SYSTEM -- A PANEL DISCUSSION -- OPEN TO THE PUBLIC**  
**Presented by The League of Women Voters of Salt Lake**

**Thursday, February 11, 2016 6:00 – 8:00 p.m. 6:00 Social, 6:30 Panel Discussion**

**Location: Girl Scouts of Utah Offices – 445 East 4500 South, Salt Lake City**

House Bill 348, the Criminal Justice Reinvestment Act, is making tremendous changes in the criminal justice system in Utah to reduce the size and cost of the prison population:

- ◆ Reduced penalties for non-violent acts
- ◆ Increased emphasis on treatment for substance abuse and the mentally ill
- ◆ Increased support for transition from incarceration to freedom
- ◆ Increased support for those on parole and probation to prevent recidivism

This panel of experts will discuss the effects of this legislation so far.

**Ron Gordon**, Executive Director of Commission on Criminal & Juvenile Justice (CCJJ)

**Sheriff James O. Tracy**, President of Utah Sheriff's Association

**Mark Thomas**, Uintah County Attorney

**Kent Hart**, Executive Director of Utah Association of Criminal Defense Lawyers

**Geri Miller Fox**, Division Director of Adult Probation and Parole, Utah Dept. of Corrections

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**AS OF JANUARY 15, 2016 THE REPORT ON THE BOARD AUDIT HAS NOT BEEN RELEASED**

UPAN continues to get calls, letters, and emails from people asking about the Board Audit results. Please know that we will email the information out to our email list as soon as we have a copy of the report once the Office of the Auditor General releases it. Also please remember that this audit is not going to address any

one individual's case or situation, but compiled a lot of information to see the trends that the Board has been following and to determine what changes need to be made. This report goes first to the Legislative Audit Sub Committee and then to the rest of our legislators. Finally, to us as the public. We ask for your patience.

## Good News! Defense Attorney to be Appointed to Utah's Parole Board

by Molly Prince

A bit of good news! **Denise Porter**, a defense attorney who has worked with the Legal Defenders Association for 16 years has been selected by Governor Gary Herbert to replace board member Jesse Gallegos, who will be retiring on March 1st.

In December, UPAN received information that there were five candidates that the governor was considering, three were prosecutors, another was from a political science background, as well as Ms. Porter. We notified our UPAN families via email of the situation and encouraged them to write both Governor Herbert as well as CCJJ director Ron Gordon, who would be advising the governor on his selection, about their ideas and preferences.

Many UPAN families have long believed that the Board of Pardons and Parole needs to be more diverse. In the past decade or so, it has been heavily weighted with members of a prosecutorial or corrections background.

We are pleased that this is one step in the direction of more diversity on the Board. It is likely that Ms. Porter will bring a fresh perspective to the Board, having worked as a defense attorney for many years.

Ms. Porter's appointment still must be confirmed by our legislature in the near future in order for her to move into the position.

The following information is taken from the Parole Board's website: <http://bop.utah.gov/index.php/home-top-public-menu/members> The other members of the BOPP are:

**Angela Miklos**, Chair, originally from Illinois, received her Juris Doctorate degree from the University of Utah College of Law in 1992. She litigated felony post-conviction matters statewide as an Assistant Attorney General for six years. After leaving the Attorney General's Office, Ms. Miklos spent almost eleven years as a Deputy Salt Lake County District Attorney where she served as a line prosecutor and supervisor of the Narcotics Enforcement Unit and later the Special Victim Unit. Her specialty was prosecuting sex crimes. Ms. Miklos was appointed to the Board by Governor Gary Herbert in October 2009, was named Vice Chair in August 2010, and appointed Chair in August 2014.

**Robert Yeates** is the Vice-Chair. He has a Bachelor of Science degree in Sociology, a Master of Social Work degree, and a Juris Doctorate from the University of Utah. He is a former Deputy Salt Lake Attorney and has also served as a Division Chief with the Salt Lake District Attorney's Office. Mr. Yeates is a retired Third District Juvenile Court Judge and a former Director of the Utah State Sentencing Commission. Just prior to being appointed to the Board of Pardons, he was the

Executive Director of the Utah State Commission on Crime and Juvenile Justice. Judge Yeates was appointed to the Board in August 2009 and has served as Vice Chair since August 2014.

Board Member **Chyleen A. Arbon** was born and raised in California. She received a Bachelor of Arts in English in 1994 and a Master of Public Administration in 1996 from Brigham Young University. In 2004 she received a Ph.D. in Political Science from the University of Utah. She worked as a criminal justice policy analyst for the Office of Legislative Research and General Counsel from 1997-2003 and then as an assistant professor for the Romney Institute of Public Management at BYU from 2003-2010. Ms. Arbon was appointed to the Board by Governor Gary R. Herbert in February 2012.

Board member **Clark A. Harms** was born and raised in Utah. He received a B.A. in Political Science from the University of Utah in 1986, and a Juris Doctorate from the J. Reuben Clark Law School at Brigham Young University in 1990. After practicing law in Salt Lake City for five years, Mr. Harms began working for the Salt Lake County District Attorney's Office in 1995, where he worked until his appointment to the Board in 2006. While at the District Attorney's office, he assigned to the Special Investigations Unit and Wasatch Range HIDTA Task Force. He also served as a Special Assistant United States Attorney. Mr. Harms served as a Unit Chief of the Special Investigations, Gang Prosecution and General Felony prosecution teams. He is a member of the Utah State Bar, the Bar of the United States District Court for the District of Utah, and the Bar of the United States Court of Appeals for the Tenth Circuit. Mr. Harms has been a board member since 2006, and served as the Board's Vice-Chair from 2007 to 2010; and as Board Chair from 2010 to 2014. He is now a regular board member.

Outgoing board member **Jesse Gallegos** has a Bachelor of Science degree in Political Science and a Juris Doctorate from the University of Utah. Jesse began his career with the state at the State Auditor's Office, and then with the Department of Administrative Services/Finance. He then moved into the legal arena with several law clerkships and teaching fellowships. Mr. Gallegos returned to state service with the Department of Corrections where he served in various capacities, including Project Coordinator, Legislative Liaison, Community Relations Director, and Deputy Executive Director. Mr. Gallegos was appointed to the Utah Board of Pardons and Parole by Governor Leavitt in July 2003.

There are also four Pro Tem Board Members who fill in when a regular Board Member is not available. These include:

**S. Camille Anthony** who was appointed as a Pro Tempore Member of the Utah Board of Pardons and Parole by Governor Gary R. Herbert in February 2012. In addition to her service on the Board, she is the Associate Director for the Office of Special Projects for the Center for Homeland Defense and Security (CHDS) at the Naval Postgraduate School (NPS) in Monterey, California. She also serves as the evaluator for the Executive Leaders Program and the Fusion Center Leaders Program at CHDS. Ms. Anthony has worked for the University of Utah in several capacities. She served as the Executive Director of the Utah Criminal Justice Center (UCJC), Principle Investigator for Global Justice Project Iraq, Hazard Mitigation Plan Coordinator and Associate Instructor for the Master of Social Work, Master of Public Administration and Political Science programs. Ms. Anthony's professional assignments have also included: Coordinator for the Criminal Justice Advisory Council for Salt Lake County Mayor Peter Corroon; Executive Director of the Utah Department of Administrative Services; and, Executive Director of the Utah Commission on Criminal and Juvenile Justice. She received her Juris Doctor degree from the University of

Utah College of Law and her Master of Arts in Security Studies (Homeland Security and Defense) from NPS, CHDS.

**Earl Xaiz** was appointed as a pro tempore member of the Utah Board of Pardons and Parole, in 2012, by Governor Gary Herbert. The website does not have a biography posted on Mr. Xaiz but a little research reveals that he is a defense attorney who has practiced criminal defense for over 30 years, and is reported to have a "reasonable approach to the law."

**Jennifer K. Bartell** was appointed as a pro tempore member of the Utah Board of Pardons and Parole, in 2014, by Governor Gary Herbert. She had worked as a hearing officer for the Board previous to this appointment, with a background in corrections.

**Bradley P. Rich** was appointed as a pro tempore member of the Utah Board of Pardons and Parole, in 2014, by Governor Gary Herbert. Mr. Rich has practiced criminal defense for over 35 years. It appears he is a colleague and partner of Mr. Xiaz in his law career when looking at their practice information online.

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**Independent Utah Film Company Working on Documentary on Good Landlord Program and Problems Felons Face Finding Housing**

Metamora Films is an independent film company based in Bountiful, Utah. Metamora is producing a new documentary on the struggles ex-inmates deal with while finding housing due to the stigma placed on the individual and Utah's Good Landlord Program. Metamora Films focuses on "transformative" filmmaking that will help others. While their slogan states, "transforming hearts and minds through film", they feel that their new film, tentatively titled, *NOT FOR RENT!*, will shed light on a problem millions of American's face every day.

its harsher Good Landlord Program, but not absolutely necessary for the film.

Being able to 'follow' the person around (they can plan shoot dates/locations) while applying for housing and showing the constant rejection and difficulties that landlords and society puts on the ex-offender, is what the filmmakers are looking for. They are prepared for any outcome. The crew wants to 'roll cameras' and capture the true reality of the situation. They would also like an in-depth, sit down interview of the person discussing the challenges of finding housing.

Metamora Films understands that this may be a delicate subject but would like to involve one or two people with recent felonies that are CURRENTLY transitioning back into the community and attempting to locate housing. The city of Ogden is preferable due to

If you are interested or know someone who may want to be involved, please contact Matt at Metamora Films: [matt@metamorafilms.org](mailto:matt@metamorafilms.org) His website is: <http://www.metamorafilms.org>

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**Food for Thought:** "Gratitude should not be just a reaction to getting what you want, but an all-the-time gratitude, the kind where you notice the little things and where you constantly look for the good, even in unpleasant situations. Start bringing gratitude to your experiences, instead of waiting for a positive experience in order to feel grateful." — Marelisa Fábrega

"Life offers no guarantees...just choices; no certainty...but consequences; no predictable outcomes...just the privilege of pursuit." Tim Conner

"Money can buy you a fine dog, but only love can make him wag his tail." Kinky Friedman

## REVIEW OF JANUARY UPAN MEETING “Meet Your Legislator”

The January 11, 2016 UPAN meeting was a success! There were a couple of bumps in the road that concerned us. We had originally reserved the Draper Library for the meeting since it would hold up to 80 people and had free, easy to access parking. However, over the New Year holiday we were notified that they had cancelled our reservation for the meeting room because their boiler went out and they would be replacing the boiler and be closed on our meeting day. Shauna and Molly spent a couple of days sweating and scrambling to find another venue at the last minute. Fortunately, we were able to move the meeting to the Downtown Salt Lake City Library and appreciate their staff for accommodating us! We had help from volunteer Mike M. getting emails sent out to legislators to not only invite them (back in November and December) but then to notify them of the change the week before the event. Somehow things worked out and we had a good turnout. We do regret that one representative, **Sandra Hollins**, somehow didn't get word of the change and went to the Draper Library.

We want to thank the legislators who took time out of their busy schedules to attend and listen to the concerns of families who have loved ones incarcerated in the Utah Prison System. These include: Sen. **Stuart Adams**, Rep. **Brad King**, Rep. **Fred Cox**, Rep. **Craig Hall**, Rep. **Rebecca Chavez Houck**, Rep. **Brian Greene**, Rep. **Robert Spendlove**, Rep. **Mark Wheatley**, and Sen. **Margaret Dayton** was represented by one of her staff.

We counted over 70 in attendance that evening. UPAN directors want to extend our sincere appreciation to all those who attended and presented for their courage to speak out, and their eloquence in doing so! We know it is not always easy to share some of the information that was shared in that meeting. Several came from long distances away, including Utah and Weber counties. The one who came the longest distance and spoke drove all the way up to SLC from New Harmony. After the meeting, a visitor who doesn't usually attend UPAN meetings, observed how well-spoken the speakers were and how relevant the topics covered were.

The two hours of the meeting were packed full with 21 speakers. Each shared their concerns and hopes about what our legislators should know about the experience of the prison journey from the perspective of family members. Inmate and parole issues were represented well.

The range of topics discussed by the speakers included the well-known issue of the Board of Pardons and Parole and their consistent tendency to keep inmates long over their matrix. Wives spoke of how this affects the families. Other family members addressed indeterminate sentencing and the problems associated

with it that are felt by inmates, families, and society. Dual Mode Sentencing (DualModeSentencing.org) was briefly reviewed.

The ripple effect was addressed and how all things related to the Criminal Justice system impact so many more than just the inmate. Indeed every individual in society is affected by this system in one way or another.

A teenage daughter shared her heart wrenching experience of how certain rules associated with incarceration have adversely impacted her over the years she has been growing up. She represented so many children of prisoners and shared her journey about the challenges she faced to try to visit her father, and how they moved him so far away to a county jail through the Inmate Placement Program. It takes hours to go visit him – to have only barrier visits. He did nothing to cause that move, in fact he had been a good productive inmate in Draper who didn't get write-ups. She talked about how the prison system doesn't care about how the family is affected. She described how the extreme cost of long distance phone calls makes it hard for the family to afford to receive calls and have her father more involved in their lives. She emotionally emphasized, “the state makes us victims, too.”

A former case manager from the prison described the concern that in the past (and, we believe, currently) many inmates housed in restrictive housing are insufficiently diagnosed in terms of their mental health/illness, as well as the negative treatment of them by the correctional personnel who are charged with their care.

A mother told her story of how, after her son entered the criminal justice system in Utah, she tried to learn about it and understand it. The more she studied it and learned, the more concerned she became. She shared how she was brave enough to call her legislators and they have listened to her. She called the legislators in attendance her “heroes who stand up for our incarcerated loved ones.”

Another wife of an inmate urged the legislators to look at the way the Board pushes excessive sentences on inmates via indeterminate sentencing. She discussed how research has shown that excessive sentences cause harm on many levels. She urged legislators to create sentencing laws that are based on research and that are linked to forgiveness and clemency.

This speaker cited research that proves that sentences of more than 7-10 years are like “kicking a dead horse” and have been shown to be not more effective, but in some cases detrimental. She also cited the cost of supervising someone in the community on probation or parole is \$3,900 per year versus \$30,000 per year to

simply warehouse someone in prison (the \$30,000 doesn't include the cost of specialized treatment, education, medical, etc.).

The wife of a man who was supposed to be released to the community discussed the heartbreaking challenges of running into Good Landlord Programs, even in South Salt Lake where landlords have discretion and can choose to not rent to felons. Ogden is even more strict with programs that refuse to rent to someone with a felony conviction.

Also brought up was the problem of how the Board deals with a technical violation of parole, meting out many months of additional incarceration. An example was given of a man who was violated for not updating his sex offender registry in a timely manner and received 18 months additional prison time. [Editor's financial comment: That's \$45,000 in prison costs vs. \$5,850 in supervised parole costs.]

Others spoke of the serious problem experienced by sex offenders in USP who are unable to successfully complete treatment due to problems with the program. The Sex Offender Treatment Program in our prison system is sorely underfunded, still only being funded at the same rate it was in 1996, yet 20 years later we have about 2500 inmates currently needing that specialized treatment. Without funding the prison cannot hire additional therapists, and often the therapists that are hired on contract do not have much experience in sex offender treatment. Some end up leaving, so the offenders in the program get shifted from therapist to therapist, thus prolonging their progress.

Other problems faced by inmates needing sex offender treatment include those with mental health problems, developmental or learning disabilities. Contrary to public opinion, there is no Special Needs SOTP in place in USP at any location providing that type of treatment. The result is that individuals who have learning disabilities or cognitive dysfunction are automatically set up to fail. A therapist spoke reporting on her experience in treating sex offenders with learning disabilities or mental illness after 20 years of incarceration with no successful treatment in prison due to not having a specialized treatment program for illiterate or disabled inmates who committed sexual crimes. Instead they are kept in prison by the Board for decades, rather than being placed in the community for treatment. [Editor's note: see costs cited in second paragraph above.]

Another speaker discussed how sex offender registration in Utah affects the children of individuals required to register as sex offenders. These children are ostracized and labeled, victimized by being associated with the address of their parent who committed a registerable offense sometime over the past 25 years. Yet another speaker discussed the need

for Utah to revisit the sex offender registry and make more categories/tiers to account for individuals who were young themselves, and are not sexually deviant, but still got involved with someone underage. Right now Utah's sex offender registry has two lengths of registration – 10 years after finishing one's sentence (meaning probation or parole), and life registration.

A minister spoke to the need to ensure that inmates of all faiths and in all housing areas have access to religious services, treatment, and educational opportunities. Also the need to be treated with dignity.

An individual who spent time in USP and completed his entire sentence said that there are challenges on parole that stop individuals from being able to succeed which is why he chose to just complete his entire sentence of 15 years. He also brought a tape recording of another individual who is currently on parole and has paid his restitution, yet the current accounting company Utah contracts with, in another state (Access Corrections), has not credited any of the payments to this individual's account. Now that parolee's parole officer is threatening to send him back to prison for not paying \$258 in restitution that he has made regular payments on for several months until it was paid. There are many problems associated with the UDC contracting with a company out of state to handle Inmate Accounting and the responsibilities that used to be and should be handled by the Financial Services Bureau of the Department of Corrections. In addition, doesn't it make sense to keep the jobs here in Utah??? We really hope the legislators present were listening to this one. This affects their constituents' financial wellbeing.

One speaker addressed the problems that are related to indigent people using public defenders. He pleaded for legislation regarding Utah Public Defenders.

The issue of the lack of higher education (college) within our prison system was also discussed. A former volunteer who has worked with Don Wright of PrisonEd spoke about the challenges trying to get college education accepted by the UDC in the various prison facilities.

The legislators were informed about the Willy the Plumber Scholarship by **Karl Wisness**. Applications are from children of inmates are being accepted now. Contact The Community Foundation of Utah 423 West 800 South Suite A 101, Salt Lake City, UT 84101 or call 801-559-3005. See March 2015 UPAN newsletter for details.

Representative **Fred Cox** spoke briefly about his work on HB 240 which passed the House last year but didn't make it through the Senate. That bill would allow judges some leeway when sentencing. It can be researched on the legislative website at: [le.utah.gov](http://le.utah.gov). Rep. Cox also mentioned there is an upcoming bill

related to the sex offender registry, HB 16, sponsored by Rep. **Jack Draxler**. Finally, Rep Cox reported that there is HB 30, sponsored by Rep. **Gage Froerer**, which is aimed at trying to change the Good Landlord Program. (See article on proposed legislation in this newsletter for more information, page 7).

Rep. **Rebecca Chavez Houck** spoke briefly to share that Rep. Sandra Hollins will be sponsoring a bill this year that is commonly known as “Ban the Box” legislation in other states. [Employment form’s query about applicant’s felony status.]

Metamora Films was present to film specific portions as it related to their documentary about the Good Landlord

Program. UPAN media specialist **Shane Severson** also made a video recording of the event for future use. Speakers were informed that the meeting was being filmed and asked to notify us if they didn’t want to be filmed. Only one individual asked to not be filmed.

After the meeting Molly received a text from her own representative, **Mark Wheatley**, thanking us for the invitation and saying it was “very informative.” **Anna Brower** of the ACLU attended and thought the meeting went very well. **Andrew Riggle** of the Disability Law Center was in attendance and expressed his appreciation.

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### **PROPOSED 2016 LEGISLATION RELATED TO CRIMINAL JUSTICE ISSUES by Molly Prince**

**HB 16** sponsored by Rep. **Jack Draxler** adds the Class A misdemeanor offenses of enticing a minor and voyeurism to the provisions already contained in the Sex and Kidnap Offender Registry law allowing an offender to apply for removal from the registry five years after the offender completes the sentence and meets specified requirements; and it also provides that if an offender's petition to reduce the offender's time on the registry is denied, the offender may not petition again for three years. Loosely translated, this means that these two Class A misdemeanors would be eligible for early removal from registry. For more information go to: [le.utah.gov](http://le.utah.gov) and look under Bills.

**HB 30**, sponsored by Rep. **Gage Froerer**, amends certain portions of the Good Landlord Program. According to [le.utah.gov](http://le.utah.gov) website (where you can read it in its entirety) this bill defines “residential landlord”; prohibits a municipality from requiring a residential landlord to deny tenancy to certain individuals; prohibits a municipality from requiring a residential landlord to provide certain information on a tenant or on a contract with a tenant; permits a municipality to require a copy of an agreement between the owner of record of real property and a third-party provider who manages the property; if a residential landlord owns multiple properties, requires a municipality to charge a disproportionate rental fee reduction for each property that is in compliance; and makes technical and conforming amendments.

To clarify definitions,

*“Disproportionate rental fee”* means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly-situated owner-occupied housing. *“Disproportionate rental fee reduction”* means a reduction of a disproportionate rental fee as a condition of complying with the requirements of a good landlord training program.

We were informed by Rep. Cox that Rep. **Kay McKiff** is planning on re-introducing **HB 240** from 2015. At this time we do not know if that will be the bill number this year. It passed the House in 2015 but did not pass the Senate. Maybe if legislators (senators specifically) hear support for this bill from citizens they will be more likely to pass it.

This bill would allow judicial discretion in sentencing. Here is a summary from the 2015 legislation that was not passed. This bill:

- ▶ allows the judge to make a finding at the sentencing of an offender that reduces the statutory minimum prison sentence for certain offenses up to 50% of the minimum sentence provided by law;
- ▶ requires the judge to state the reasons for the finding on the record;
- ▶ provides that these amendments do not affect sentences for murder, aggravated murder, or offenses for which the penalty is life without parole;
- ▶ provides that these amendments do not affect the authority of the sentencing judge to grant probation;
- ▶ provides that these amendments do not modify the authority of the Board of Pardons and Parole; and
- ▶ makes technical amendments.

**Ban the Box** legislation is being sponsored by Rep. **Sandra Hollins**. Ban the box is the name of an international campaign by civil rights groups and advocates for ex-offenders, aimed at persuading employers to remove from their hiring applications the check box that asks if applicants have a criminal record. As of the publishing of this newsletter, the writers have not been able to find this legislation on the legislative website since we don’t have the official name or number. You may research it yourself at [le.utah.gov](http://le.utah.gov).

## SUMMARY OF JANUARY 4, 2016 FOCUS MEETING on UTAH LEGISLATIVE PROCESS

The January FOCUS meeting focused primarily on an explanation of the legislative process in Utah, as explained by Deputy Director **Mike Haddon**. In addition, Mr. **Steve Gehrke** was present to update on the Justice Reinvestment Initiative (aka JRI, HB348, or criminal justice reform).

Mr. Haddon is the Legislative Liaison for the Utah Dept. of Corrections and this year will be his 10<sup>th</sup> session. He informed us that the website of the Utah Legislature has all meetings held during legislative sessions recorded for the public to access. Most of what Mr. Haddon presented can be accessed on the Legislative Website.

**The Utah Legislature** is comprised of the House of Representatives with 75 members and the Senate with 29 members. It meets each year for 45 days, and will convene the week after Martin Luther King Day, and run until early / mid-March. There are 27 committees. Standing Committees exist at all times, and Interim Committees meet between sessions. The Appropriation Committees focus on budgets for the state agencies as well as the budgets associated with new legislation.

### **The Process of New Legislation**

A new bill begins in June or July of the year prior to the legislative session it will be presented. A bill must have a legislative sponsor for the House and the Senate. Whoever is proposing legislation will work with the sponsor and the staff office to draft the bill and it will be assigned a number. It can be reviewed by the interim committee.

The Bill goes through three readings in the House of Representatives. First, it is assigned to a committee, and if it passes that committee, it goes to the house floor. Next, it is heard on the house floor, there is discussion and debate. If it passes it goes to the third reading. The final vote is held at the 3<sup>rd</sup> reading. If it passes the House on the 3<sup>rd</sup> reading, it then goes to the Senate and goes through the same process. If it passes the Senate, then it goes to the governor for his signature.

### **The Appropriations Committee & Corrections Budget**

UPAN was curious about how the UDC handles asking for funding for their various budgets. It was explained that Corrections asks each of its Division Directors what they will need for their budgets during August / September each year. This is to prepare to make recommendations to the governor for his Budget for the whole state. He will then share his budget.

During the legislative session the Appropriations Committees will review the proposed budgets and then set aside until the end of the session. The legislature

will try to pass a base budget at first – this is a budget that covers all state agencies. They also look at what are called “building blocks” that are appropriations that will increase a budget for an agency or department forever.

There is an Appropriations sub-committee for criminal justice and buildings including the DOC and Courts, etc.

There are also “supplemental appropriations” which are to request additional funds for the current fiscal year (FY) will not be ongoing in the following fiscal year. The State fiscal year is July 1 to June 30. The FY is named for the year it ends in, so we are currently in FY 2016.

When attendees asked about how Corrections anticipates and estimates the budget for Medical services, we were informed that Medical is always over budget. For example, for the current FY 2016, Medical is 2.5 million short in its budget.

In the Dept. of Corrections’ budget, it has 4 line items that are funded separately. The UDC cannot move funds between line items without getting permission from the legislature. It is our understanding that they can move funds within a line item between departments. This is how they were able to come up with extra funding a few years ago to fund an additional 200 sex offender treatment spots for 18 months. When that money ran out, the extra slots were phased out.

The Corrections line items are:

- 1) Jail Contracts (for IPP);
- 2) Medical Services;
- 3) Utah Correctional Industries (UCI); and
- 4) Programs and Operations. Programs and Operations includes Adult probation and Parole (A P & P), the Prison facilities (Draper and CUCF), and Administration of the entire UDC.

### **Justice Reinvestment Initiative (HB 348)**

**Steve Gehrke** reported that the Justice Reinvestment Initiative (JRI) has resulted in a need for a HUGE culture change in the Utah Department of Corrections. This requires UDC to be more open and therapeutic. The criminal justice reform was based on years of data on what was working, what was not, how things are done in different areas based on best practice and research driven recommendations. He said, “This is the law now and the new way of doing business” for Corrections.

One area of a major change and investment in the future of criminal justice in Utah are the Transition programs. The Transition Unit is now in place in the department. Within the next few weeks the Transition Specialists will begin their new positions. There are 8 transition specialists and one supervisor for the entire



state. They have been recruited and hired out of A P & P, so they are all former probation/parole agents already familiar with the challenges parolees face in reintegrating into the community. One of the purposes of this program is to get people connected to services prior to release from prison. If this program proves to be effective then the hope is that Corrections can approach the legislature for more funding and expansion. It looks to UPAN directors as if this program can save not only taxpayer dollars by reducing technical violations, recidivism, or re-offense, but also by saving lives and saving families.

Another aspect of this Transition Program that UPAN participants talked to Steve Gehrke about many months ago is being implemented in some areas. This is to have an orientation for families of individuals who will be paroling. The idea is to help the family and support system on the outside understand what is going to be required by the parolee and prepare the family to be supportive of that person's parole stipulations. Often families expect that once their loved one is back in the community, life can go back to how it was before, but that is often not the case. If families are educated about what to expect, they can then be a support to the person rebuilding their life and not inadvertently put them into a situation resulting in a violation of parole.

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**CHANGES IN THE BI-MONTHLY FOCUS MEETING HOSTED BY THE UTAH DEPARTMENT OF CORRECTIONS by Molly Prince**

As of January 2016, there are some changes to the bi-monthly FOCUS meeting. **Steve Turley**, Director of Special Projects, will no longer be facilitating these meetings. This was disheartening to hear, as Steve has been a calm anchor in sometimes emotional meetings, and we will miss him. We do understand that he has bigger assignments on the table with the new Utah State Prison being planned. UPAN directors are pleased that **Brooke Adams**, the Public Information Officer for the UDC will be taking over the duties of hosting FOCUS meetings. Brooke has a history of working to assist UPAN with various issues.

system to facilitate the success of individuals when they transition out of prison and into the community. There will be four presenters at the FOCUS meeting and the agenda is:

**Transition Agents:** Who are they and what are they doing to assist as people leave incarceration?

**The Family Psychology Program:** What is it and how is it bringing inmates, their family members and children together inside the prison? (UPAN believes this is limited to women)

**Transition Mentoring:** What is the transition mentoring program, who is involved, and how is it working?

**The LIFE Program:** This has been piloted at CUCF and will likely be introduced in 2016 at the Utah State Prison in Draper. What is it and how is it helping inmates and their families prepare for reunification?

Brooke is already organizing the upcoming meetings. She is arranging to host the group in a larger conference room within the Adult Probation and Parole Region 3 office located at 36 West Fremont Ave. (1100 South) in Salt Lake City. The meeting time will remain 6 – 8 p.m. Use of a larger meeting room will require all attendees to be escorted back past the reception area to reach it so it is important that we be as punctual as possible!

Each presentation will take about 15 to 20 minutes, leaving plenty of time for questions and follow up. They will present a slide show of these programs in action for us to see.

We ENCOURAGE everyone in attendance to come prepared to FOCUS on the presentations and topic so that we can get the most out of it. If there are other topics you would like to see covered in future meetings, please contact **Brooke Adams** at: [brookeadams@utah.gov](mailto:brookeadams@utah.gov).

We are interested and excited to attend the March meeting because the topic is on the Transition Initiatives within the UDC. Parole success is an interest of UPAN that often gets pushed to the back burner, especially with all the focus on a new prison, criminal justice reform, and other crises as they arise. We have talked about it over the past two years. Under the administration of **Rollin Cook**, and through a lot of work and organization within UDC in this area over the last year, there are some programs now in place within the

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**Food for Thought:** "Your greatest test is when you are able to bless someone else while you are going through your own storm." Unknown

*"Success isn't just about what you accomplish in your life. It's also about what you inspire other people to do."*  
Unknown

**INCARCERATED INDIVIDUALS SEND APPRECIATION TO UPAN VOLUNTEERS FOR ALL THE CHRISTMAS CARDS THEY HAVE RECEIVED.**

**Molly Prince**

We have received many cards and letters from individuals incarcerated in the Utah system expressing their appreciation for the Christmas cards they received. I have been able to successfully scan and email one or two to **Audrae Rogers** who organized the program this year for her to share with all our card volunteers.

One man wrote that he has been incarcerated for 20 years and this is the first Christmas card he has received in all that time. I am sure he is not alone. Another wrote that he never gets mail and how wonderful it was to see the card slide in under his door. Many have written expressing their pleasure at feeling

cared about when receiving the cards from our "UPAN family." We have tried to send regular cards in to Cache County Jail, only to have them returned because they aren't post cards. I did open and cut the cards in half and made a post card out of the picture side of the card and wrote the addresses and a little wish on the other side and sent them back in. Only one returned from that attempt. I did the same thing for the Purgatory cards, as they also don't accept anything but post cards unless it is professional mail. We learn a little each year! Thanks to Audrae and all of you for a successful Christmas Card Program for 2015!

\* \* \* \* \*

**Food for Thought:** *"I looked at my brother with a microscope of criticism, and I said, 'How coarse my brother is!' I looked at him through the telescope of scorn and I said, 'How small my brother is!' Then I looked in the mirror of truth, and I said, 'How like me my brother is!'"* Shared by DG.

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**PrisonEd Summary Report December 31, 2015**

**NEW STUDENTS DURING December:** 17 (16 previous month)

**CURRENT STUDENTS AND PREVIOUSLY SERVED STUDENTS**

- 198 CURRENT STUDENTS (182 previous month); 64% of total
  - 84 Draper (67 previous month)
  - 39 Gunnison (39 previous month)
  - 75 Jails (87 previous month)
- 112 PREVIOUSLY SERVED STUDENTS (98 previous month); 36% of total
- 310 TOTAL STUDENTS who have ever enrolled in PrisonEd (291 previous month)

**Email: [prisonedfoundation@gmail.com](mailto:prisonedfoundation@gmail.com)**

**Attention Inmates -- PrisonEd Contact Information:** Don Wright, Ph.D., President, PrisonEd Foundation; P.O. Box 900693, Sandy, UT 84090

"Dear friends and associates of PrisonEd, We have all worked hard in providing services to Utah prison and jail inmates. The information above indicates it has been a successful year.

Many of you have worked hard and made an exceptional contribution to our prison students. I receive thanks from them most every day. I pass that appreciation on to you as well as their many wishes for your well-being. A particular thanks to tutors who provide professional and invaluable assistance to students. Appreciatively, Don Wright "

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**WILLY THE PLUMBER SCHOLARSHIP IS TAKING APPLICATIONS**

Willy the Plumber Scholarship is accepting applications from children of Utah inmates during February. Contact The Community Foundation of Utah at 423 West 800 South Suite A 101, Salt Lake City, UT 84101 or call 801-559-3005. See the March 2015 UPAN newsletter for more details about this scholarship.

**Food for Thought:** "Reflect upon your present blessings, of which every man has plenty; not on your past misfortunes of which all men have some." — Charles Dickens

Disclaimer: Formulate your own opinions about the information presented. This information is presented for the reader's enlightenment and evaluation.