



UPAN Newsletter Volume 3 Number 2 | FEBRUARY 2016

“Empowerment and Growth Through Knowledge and Unity”

* * * * *

NEXT UPAN MEETING : MONDAY, MARCH 14, 2016 6:30-8:30 PM

Special Presentation Tonight: Mr. Kade Minchey, the Audit Supervisor of “A Performance Audit of the Board of Pardons and Parole” will show the Power Point presentation that he showed to House Committee members on Capitol Hill last February 1st, when the Audit Report was released. See the Letter from the President on page 2 of this issue of UPAN News for more detailed information.

LOCATION: Hunter Library, 4740 West 4100 South, West Valley City, Utah 84120.

FYI: April UPAN Meeting: Monday, April 11, 2016

Location: Holladay Library Meeting Room, 2150 E. Murry Holladay Road, SLC, UT

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

TOPIC: **Transition from Prison to Parole** There will be four different speakers.

SPECIAL NOTICE: Everyone attending this, and future **FOCUS meetings**, needs to get there **ON TIME (BEFORE 6 PM)** The new meeting room is deeper inside the A P & P building, therefore **we will have to be escorted back to the meeting as a group.** Thanks for your cooperation, Molly

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

- Meeting Announcements – Read them before attending – They contain some Special Information Page 1
- Disclaimer plus a meaningful Quotation by Margaret Mead Page 1
- Letter From The President Page 2
- Brief Summary of the Board of Pardons and Parole Audit Pages 2 -- 6
- The Starfish Story – It relates to Criminal Justice Reform Page 7
- Information for Inmates wishing to receive the UPAN Newsletter Page 7
- Willy the Plumber Scholarship Information Page 7
- Bill about Utah’s Indigent Defense System Pages 7 -- 8
- Prison Inmate’s Calling Rates to be Reduced by FCC - Special application (prepaid only) Pages 8 -- 10
- Food for Thought -- And a few Smiles Plus UPAN Contact Info and UPAN Directors Page 10

* * * * *

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

"Never doubt that a small group of thoughtful, committed citizens can change the world;
Indeed, it's the only thing that ever has." Margaret Mead

LETTER FROM THE PRESIDENT

Things have been a bit busy in the area of criminal justice in Utah this legislative session. There are several bills that relate to several areas of criminal justice in Utah. While most of these are narrowly defined, they are still important for those of us who have people we love involved in any facet of Utah's system. We summarized three in last month's newsletter. There is not enough room to do so again this month. I encourage those of you who are interested in criminal justice bills to check www.le.utah.gov periodically and see if they have been assigned numbers and if they have, the bill will be posted on the website.

The Legislative Audit of the Board was released on February 1st. Its formal name is A Performance Audit of the Board of Pardons and Parole, and was completed by the Office of the Legislative Auditor General. The Audit Manager is Darin Underwood, and the Audit Supervisor is Kade Minchey. Mr. Minchey was my main contact during the data gathering phase of the audit. August Lehman and Anndrea Parrish were also dedicated auditors, along with audit technician Lauri Felt.

On behalf of UPAN families, advocates and many incarcerated individuals, I would like to express appreciation to the Auditors for the hard work and in-depth research and analysis of information they performed that resulted in the Audit report containing the concerns and issues discovered in the operation of the Utah Board of Pardons and Parole. The audit process and resulting document detailing the findings have set a precedent in Utah! It is an important step in Utah's process of criminal justice reform. History is being made.

I also would like to acknowledge the hundreds of inmates and families of inmates that provided

information for this audit. The audit was not intended to address individual cases, but took all of the information provided and analyzed it. The result is the 100-page* Performance Audit filled with an analysis of multiple areas that have found to be lacking in the BOPP's operation and decision making processes. There are also solid and meaningful recommendations that I hope will be seriously followed to make the necessary changes in how the board operates.

I also want to share my sincere appreciation to Vice President Shauna Denos, who helped me sort and copy and forward the hundreds of data forms and letters we received for this audit to the auditors. This was an exhausting process for us and now we have proof that it was worth it!

We should remember to be grateful for the Legislative Audit Subcommittee, which is the body that asked for this audit to be conducted in a meeting last July. Our legislators on the hill are listening!

The recommendations included with the Audit were gladly received by those of us present in the meeting in which it was presented. The recommended changes have been long awaited and are sorely needed. While some of our concerns were not identified in this report, it still validates the many years of concerns and complaints of inmates, families, and advocates.

In the meeting of the Legislative Audit Subcommittee on February 1, 2016, Board chair, Angela Miklos, agreed with the recommendations and agreed to pursue the changes recommended by the auditors. This was good to hear. Now we will watch and see how this unfolds in the coming months and years.

*100 pages Includes Table of Contents, 3-page Digest, and twenty-one "Intentionally Left Blank" pages. Ed.

* * * * *

Brief Summary of the Performance Audit of the Board of Pardons and Parole
Released Monday, February 1, 2016

The Office of the Legislative Auditor General released A Performance Audit of the Board of Pardons and Parole (Report #2016-01) on Monday, February 1, 2016 to the Legislative Audit Sub Committee. This report will also be forwarded to other legislative committees. The Auditor's office will be meeting with the appropriate legislative committees, individual legislators, and other state officials to discuss the report and to help facilitate the implementation of the recommendations.

The Audit Findings In A Nutshell

The findings have resulted in recommendations by the Auditor General's Office that the board: 1) develop a

strategic plan, 2) track and monitor key data elements, 3) measure its impact on the criminal justice system thru targeted performance measures, and 4) improve its transparency.

The Actual Page Count & Where To Find Report

The findings are more detailed and complex than we can report in this UPAN News issue. We recommend that anyone incarcerated who is really interested in reading the entire document, ask their family/support system to print it out and mail in to you. It is not as formidable as is rumored. It is NOT 100 pages. It is 53 pages of audit findings and some incomplete pages.

Plus 14 pages of evaluation forms that are examples from Ohio and Pennsylvania, in two appendices. The report numbers 88 pages but 21 are blank, so 67 total pages including appendices. Pages labeled "Intentionally Left Blank" need not be printed to get the complete report.

Read The Official Digest Of The Report In This Issue

A Digest of the Report is 3 pages and is reproduced for your enlightenment on pages 5-7 of this UPAN News issue. The full report is available, PDF format, on the legislative website, le.utah.gov. A PDF file can also be obtained via email from UPAN. Email your request to: utahprisoneradvocate@gmail.com

Audit Cites Huge Impact Of Board Decisions

The Audit reports that The Board of Pardons (BOP) has substantial authority given to it by Utah Law to exercise discretion in making decisions that affect taxpayers, crime victims, criminal offenders, their families, and communities. The indeterminate sentencing system in Utah allows the Board to make decisions on an individualized basis. It further states, *"in fact, Utah's Legislature appears to grant its parole board more discretion than any other state does. Board decisions are final and cannot be appealed. Consequently, board decisions carry significant weight. Unfortunately, assurances that board decisions are both consistent and fair are difficult to validate because the BOP lacks the ability to track key data and performance measures... We are also concerned that evidence based practices, shown to improve decision making, are not used."* The entire Audit Report discussed these concerns in detail as well as it makes recommendations on the changes that need to be made by the Board to remedy these problems.

Board - Enormous Power With Insufficient Oversight

Once an individual is sentenced to prison, the decision to parole is solely up to the Board. According to Utah Sentencing Commission's 2015 Guidelines, *"this decision may or may not reflect the guideline recommendation, and may be up to the full length of the indeterminate range pronounced by the sentencing judge."* The report states that the Board also *"has the power to shorten or terminate a sentence, impose conditions of parole, impose fines, issue warrants, and grant pardons on a case by case basis."* It also has the power to impose restitution. The auditors confirmed that *"given the BOP's broad discretion, considerable oversight is expected. Instead, we found insufficient oversight."* The auditors examined paroling authorities on other states and found that the Board's discretion in release decisions is the broadest with 1st degree felonies, where the maximum penalty is life. Since 2nd and 3rd degree felonies have a statutory maximum time, an inmate must be released when the maximum time is met if the Board has not released sooner.

Decisions Made Using Guidelines And Other Factors

Utah's Sentencing Guidelines, which the Board uses in determining an inmate's length of incarceration, are discretionary rather than mandatory, so the Board does not have to follow them. The report states, *"Within the guidelines are a series of calculated matrix forms. The general matrix form has 12 crime categories and 5 criminal history levels that the board consults in determining the length of time that an offender will spend in prison or on probation."* The audit found that in addition to the guidelines, the Board uses other factors when rendering decisions. These reportedly include the nature of the crime, the offender's criminal history, inmate behavior and achievements, treatment history, and education and risk to the community.

Needs Strategic Plan, Oversight, And Transparency

Based on the National Institute of Corrections manual entitled *Parole Essentials; Practical Guide for Parole Leaders*, the audit recommends that the Board should develop a strategic plan and assess whether their work is meeting its intended goals, which means they need to create and implement a document that lists its goals and how they will meet those goals. It does currently have some general goals, but no formal strategic plan. The general goals are not publicly available. The auditors recommend that the Board should make its plan public and provide *"ample information to increase transparency of its operations and objectives."*

The Audit states that *"other state parole boards use strategic plans to set goals, discuss challenges and provide operation information."* They cite Colorado's strategic plan which focuses on recidivism tracking, lists challenges their board faces, and addresses evidence based measures the Board is pursuing. They also cite Wyoming Board's strategic plan lists goals of the Board and then provides performance measures, which includes the percentage of offenders successfully completing parole.

Length Of Stay And Recidivism Not Tracked - These Foundational Responsibilities May Cost Millions

The Utah BOP hired a research analyst a few months ago. The Audit has identified that it should collect, track, and monitor key data elements. This will enable the Board to track its progress and understand how its decisions are affecting the criminal justice system as a whole. The report states that insufficient data coupled with limited planning can result in the Board being *"reactive instead of proactive, which can lead to unplanned outcomes. For example, length of stay (LOS) or time served has been increased 28% over the last ten years, with an increase of about 1,000 beds at a cost of millions of dollars. LOS is perhaps one of the most fundamental indicators that the Board should track and understand because it is at the foundation of the Board's responsibility."*

Further, because the Board has not been tracking this information, it is not aware whether its decisions that contributed to the increased LOS affected public safety in a positive or negative way, reduced recidivism, or simply cost taxpayers money.

Measuring How Well Taxpayers' Dollars Are Spent

The next recommendation resulting from the Audit is for the Board to measure its impact on criminal justice through targeted performance measures. This is based on the idea that any public agency should measure how well taxpayer's dollars are being spent. This requires being able to measure outcomes. Currently the Board measures timeliness on hearing results, parole revocation timeliness, response time for correspondence, timeliness of victim notification as it is required by Utah Code, timeliness of hearings, and timeliness of completing non-hearing cases.

Measuring Recidivism Rates By Categories Plus Successful and Unsuccessful Paroles And Why

The Audit recommends the Board also measure recidivism rates, and track prison releases to parole by category. Examples include non-aggravated offenders, aggravated violent offenders, sexual offenders, offenders' institutional behavior and programming, parolee's risk level for re-offense, and parolees by age, gender, and ethnicity. This information will show the impact of the Board's decisions on these various groups.

It also recommends tracking of total number of offenders who successfully complete their sentences under parole supervision, as well as the total number of parole cases closed by return to prison due to parole violations, technical parole violations, and new criminal convictions. All of this information can help identify areas needed for improvement and to demonstrate consistency or inconsistency.

Tracking Decisions According To State Guidelines And Decisions Outside State Guidelines

Next, the Audit recommends that the consistency of the Board following guidelines should be tracked. An example is tracking how often decisions are made in accordance with the state guidelines. This provides information to review, update, and improve guidelines.

Improving Transparency = Greater Accountability

The Audit identifies the need for the BOP to improve its transparency once it has the data discussed above available. This will result in greater accountability of the Board to the state and the public. The report states *"Increasing the transparency of BOP operations is especially important because the BOP is lacking many of the normal oversight mechanisms present in other state agencies. For example, the BOP does not have internal auditors to scrutinize its finances and operations."* Also, the Board has not had a financial audit by the Office of the State Auditor as a part of Utah's annual financial audit. This is due to the small

size of its budget. Further, the report states, *"until now, the BOP has not been the subject of a full legislative audit."*

New Organizational Structure For Better Decisions

Another recommendation is for the Board to review and revise its organization structure so that it encourages development and improvement. The Board is made up of 5 members (appointed by the Governor and confirmed by the Senate), with the chair appointed by the Governor as the head of the agency. The Board oversees a staff of approximately 40 people (hearing officers, support/office staff, etc.). There is an Administrative Coordinator in place now, a relatively new position in the history of the Board. It has been recommended that the Administrative Coordinator be promoted to Executive Director and handle all operational responsibilities. That would free up the Board members for policy making, goal setting, and better focus on making decisions that affect the lives of thousands each year, both inmates AND families.

Making Better Parole Decisions + Translation By Ed.

The Audit reports that Utah's Board needs to create a parole decisional framework that includes evidence based practices. The National Parole Resource Center, the Center for Effective Public Policy, and the National Institute of Corrections recommend that state parole boards adopt Structured Decision Making (SDM). This will result in more consistent decisions and better outcomes. The PEW Research Foundation recommends that parole boards anchor their SDM model on empirically based risk and needs assessment tools. **[Note: WTF* are they talking about? Translation by Editor: using evidence based practice, not subjective "experience" or theory, when determining the risk of paroling an inmate. *What in This Finding" ☺]**

Research has demonstrated that parole boards who use SDM contribute to predicting risk of failure of an offender better than a board member's subjective professional judgment alone. This can improve decisions and tailor parole conditions to the individual's specific needs and risk factors. Research also shows that matching offenders to treatment programs reduces recidivism, improves offender outcomes, enhances public safety, and more efficiently uses public resources.

SDM also contributes to consistency and fairness of individual parole decisions, provides a method to substantiate decisions, increases the transparency of decisions, decreases liability for decisions and provides data for evaluating individual, system and program decisions. Finally, SDM assists in the training of new Board members, which contributes to consistency.

The report states, *"One noted expert on SDM said that by using SDM, 'Board members should arrive at similar decisions for the same case, and they should be able to*

distinguish between cases representing good and bad parole risks.”

More Audit Details In Future UPAN News Issues

In next month’s newsletter, we will write more detail about what the auditors found regarding the Rationale Sheet that it currently uses. The Audit discussed in detail the problems with the Rationale Sheet in use. It states, “We received numerous communications from frustrated inmates and inmate advocacy groups as they attempted to understand the length of stay from the rationale sheet provided them.” They are confusing, vague, and unclear. Best practices discuss communication with inmates an important factor. Even Board employees report that the sheet doesn’t capture the important factors used in decision making. The CCJJ and PEW Charitable Trust conducted a correlation analysis and found no or little

correlation between Utah’s Rationale Sheet’s listed aggravating or mitigating factors and length of stay. The report reads, “With very little connection between the Rationale Sheet and length of stay, inmates often have little understanding why they have been kept beyond guidelines for length of stay. In fact, we found one Rationale Sheet provided to an inmate that was blank, with no mitigating or aggravating factors checked.”

Due to the length of the Audit Report, it is impossible for us to detail everything in one newsletter. We plan to give additional summaries in future newsletters. However, the Digest version of the Report, provided by the Auditors as an introduction to the Audit report, is next in this UPAN News Issue.

* * * * *

Digest of: A Performance Audit of the Board of Pardons and Parole
(Author is: Office of the Legislative General’s Office, not UPAN)

Chapter 1 Introduction

Utah’s Board of Pardons and Parole (BOP or board) plays a critical and unique role in the state’s criminal justice system. For example, last year, they made nearly 18,000 decisions, including releasing offenders from prison, setting the conditions of release and supervision, and responding to over 1,000 parole violations. Consequently, they wield significant influence on public safety and the use of public resources. Utah’s parole board has considerable discretion because of wide sentencing timeframes

coupled with an indeterminate system. The level of discretion appears to be greater than is found in other states. This report examines opportunities for the board to better deploy such broad discretion and recommends improvements to the BOP’s oversight, structure, decision making, data collection, and business operations. These recommendations come at a time when criminal justice reform (both nationally and locally) is working toward improved outcomes and lowered costs.

Chapter II BOP Can Benefit from Improved Planning, Oversight, and Structure Improved Planning, Performance Measures, and Transparency of Information Is Needed.

The BOP has always been a crucial player in Utah’s criminal justice system. The board has been especially involved in justice reinvestment efforts since the Legislature passed H.B. 348 in the 2015 General Session. We are encouraged by the board’s actions, but more can be done. We believe the BOP should: develop a strategic plan, track and monitor key data elements, measure its impact on the criminal justice system through targeted performance measures, and improve its transparency.

BOP’s Internal Organizational Structure Should Be Reviewed. As discussed in the previous section, several operational improvements are needed at the BOP. To help ensure these improvements are made and effective, the board should review its organizational structure. We do not question the dedication of BOP employees, but the board needs to ensure it has adequately defined its roles and the roles of its staff to maximize the needed operational improvements.

Chapter III BOP Should Adopt More Proven Practices

Structured Decision Making Will Increase Consistency of Decisions. The BOP can do more to ensure its decisions are consistent, fair, and properly structured for the best outcomes. Nationally recognized research organizations that study paroling authorities recommend that parole boards adopt a structured decision-making (SDM) model. SDM is an evidence-

based, policy-driven approach to decision making that uses established risk and needs factors to make quality release decisions. Paroling authorities that use SDM are better at setting goals and report better outcomes.

Currently, BOP parole release decisions are based mainly on individual professional judgement and

experience. BOP decision makers have differing philosophies and may weigh factors in the same case differently. The lack of a common paroling philosophy may be the cause for the large number of inmates and inmate advocacy groups expressing concerns about the inconsistency of paroling decisions. The board has taken steps to implement SDM but as a prerequisite, the BOP should establish a common paroling philosophy to facilitate consistency in parole decisions.

BOP Should Improve Rationale for Its Decisions. A second area to aid the BOP in decision making is an improved rationale sheet. The only information an inmate receives about the content of the board's decision is a rationale sheet that lists some aggravating and mitigating factors. Several individuals at the BOP told us that this sheet does not capture the important factors the board uses in weighing their decisions. Further, inmates, families, and advocates list the rationale sheet as one of their primary concerns because they find it confusing, vague, and unclear. Best practices discuss communication with inmates as an important factor. We also found that other states' releasing authorities have more informative rationale sheets that focus on specific areas of improvement

and/or risk to the community. The board agrees that it needs to improve its rationale sheet and is currently working on a new version of the form.

(UPAN comment: *UPAN families believe that there needs to be something much more detailed and comprehensive to explain the rationale for a parole board decision than a one- or two-page rationale sheet or form, and it should not be reduced to categories that are checked or left blank. When making a decision that impacts an inmate's entire future, we believe that a full detailed explanation of the documents and information used to make the decision should be disclosed to the inmate.)* [Can I get an "Amen!" or "Right on!" to that? Ed.]

Use of Research-Based Practices Can Help BOP Improve Its Outcomes. In addition to the two best practices just discussed, we recommend that the BOP adopt and integrate the nationally recognized ten practice targets [to be discussed in future newsletter. Ed.] that incorporate evidence-based practices in parole decisions. The board agrees and is already working toward implementation of some of these practice targets.

Chapter IV BOP Should Adopt an Electronic File Management System

The BOP's Current Paper Process Is Vulnerable to Errors. Our review of the BOP's business process revealed two areas that are vulnerable to errors. One vulnerability is the way the board documents and enters decisions. The BOP's current decision-making process relies on board members' handwritten notes, which are unclear and subject to misinterpretation. In most cases, we could not decipher the handwritten notes to validate that clerical staff entered decisions correctly.

(UPAN Comment: This is unacceptable! The Board must be impeccable when recording decisions. These decisions determine the future of thousands of inmates and impact the future of the families and friends of these inmates.)

Second, calculations for time served made in case files are also vulnerable to inaccuracies.

Paper-Based System Limits Data Tracking and Transparency. The BOP's paper-based system limits the ability to track key performance metrics and data critical to board operations. Paper files also limit transparency and availability of information to external entities. Adopting an electronic file management system will help the board begin collecting and analyzing data on how its actions affect the larger criminal justice system. This will also promote more informed decision making.

Paper-Based System Creates Operational Inefficiencies. In addition to the data limitations, there are also operational inefficiencies that result from a paper-based file management system. These include limitations on information sharing with surrounding agencies as well as BOP workflow, since only one activity can be performed on an offender's file at a time. Board staff devote significant amounts of time to the paper process. Staff time spent printing, copying, filing, and locating paper files is costly and time intensive.

Electronic BOP System Will Promote Alignment with Other Criminal Justice Agencies. With other Utah criminal justice agencies as well as other state parole boards adopting electronic file management systems, it is increasingly clear that it is time for the board to convert to a paperless record-keeping system. The current board supports transition from a paper-based to electronically based record-keeping system. To do this, the board will need to determine if it is in their best interest to develop an electronic system that piggybacks on the UDC's database or purchase a system from a private vendor. Funding the new system will likely require funding from several sources, including federal funds, non-lapsing state funds, and other state resources.

Chapter V BOP Should Consider Implementing Process Efficiencies

A Streamlined Decision Process Is Needed for Less Serious Offenders. As the state's population grows, BOP's workload will continue to increase. The PEW Charitable Trusts group studied Utah's criminal justice system in 2014. They estimate that Utah's prison population will grow 37 percent in the next 20 years. To deal with this growth, we believe the board should consider process efficiencies before adding more hearing officers.

Other states have achieved efficiencies in streamlining the parole processing of low-risk, less severe offenders and maintained quality of decisions. In this section, we recommend a continuum of options the board could pursue to achieve efficiencies in processing low-level offenders, such as limiting case preparation requirements, reducing the number of board member votes for release decisions, and in limited circumstances allowing hearing officers a vote. *(UPAN comment - with a total of 18,000 decisions in 2015, it seems that additional Board Members would be needed*

in order for each offender's case to be carefully and fully reviewed prior to decision making. We also notice that the audit doesn't directly address the frequent disparity between the recommendations of hearing officers and the resulting decisions of board members).

BOP Should Review Expungement Process and Recommend Statutory Changes. The BOP has received an increase in the number of pardon requests over the last year and a half. This increase is due partially to more people seeking pardons because the Bureau of Criminal Identification (BCI) rejected their expungement requests for relatively minor offenses. Some applicants rejected by BCI are turning to the board, which has greater authority to pardon and, by extension, expunge criminal records. The board's pardon process involves significant staff time and resources. Therefore, we recommend that the BOP and BCI review the expungement process and recommend to the Legislature statutory changes that reduce pardon workloads.

* * * * *

The Starfish Story – It has its place in Criminal Justice Reform

Adapted from The Star Thrower, by Loren C. Eiseley

A girl was walking along a beach upon which thousands of starfish had been washed up during a terrible storm. When she came to each starfish, she would pick it up, and throw it back into the ocean. People watched her with amusement.

The girl seemed crushed, suddenly deflated. But after a few moments, she bent down, picked up another starfish, and hurled it as far as she could into the ocean. Then she looked up at the man and replied, "Well, I made a difference to that one!"

She had been doing this for some time when a man approached her and said, "Little girl, why are you doing this? Look at this beach! You can't save all these starfish. You can't begin to make a difference!"

The old man looked at the girl inquisitively and thought about what she had said and done. Inspired, he joined the little girl in throwing starfish back into the sea. Soon others joined, and all the starfish were saved.

* * * * *

INFORMATION FOR INMATES WISHING TO RECEIVE THE NEWSLETTER

If you'd like to receive the UPAN monthly newsletter, we ask that you contact your family/friends on the outside and ask them to email us at: utahprisoneradvocate@gmail.com

The newsletter is generally 10 pages, so if they print it out, front and back, the 5 pages (on 20-lb. bond paper) plus envelope can be mailed with one Forever stamp.

By doing so, they will be added to our email list. Then we will email them the monthly newsletter as well as other announcements relevant to prison and criminal justice issues. They can print the newsletter and mail it to you. As an alternative, the UPAN News is posted on our website (see page 10) and can be downloaded, printed by them, and sent to you in a #10 envelope.

UPAN runs on a shoestring and we are volunteers. We have about 30 volunteers at this time that mail out newsletters to 210+ incarcerated individuals. If your family is able to receive and print out the newsletter, that will ensure you get it in a timely manner. If you do not have anyone in the community able and willing to do this for you, then write to us and we will put you on our list for our volunteers who pay the cost to mail it to you.

From Lizzie of Willy the Plumber Scholarship Organization

Please be aware that the Scholarship Application is now available for the **Willy the Plumber Scholarship**

for children of inmates. Some people don't have access to email or internet to apply for this scholarship.

They are welcome and encouraged to contact me at: 801-559-3005 extension 4 or via mail at our new office mailing address: 2257 South 1100 East Suite 205 Salt Lake City, UT 84106

The link to the online application can be found at: <http://www.utahcf.org/apply-for-a-grant/Apply-for-a-Scholarship/>

Contact me if you have questions. Thanks, Lizzie

Bill to be Proposed to Address Utah's Indigent Defense System

SB155, "Indigent Defense Commission," was introduced this month that attempts to address the spectrum of problems Utah's Public Defender's offices face.

Jessica Miller's article in January 31, 2016 Salt Lake Tribune states, "A number of county officials are watching to see how the bill fares before making any changes to how they handle their obligation to provide indigent defense, while advocates for criminal defendants are waiting to see if a lawsuit will be necessary to force needed improvements to the system."

Sen. Todd Weiler, R-Woods Cross is sponsoring the bill, which he reports "would create a State Commission to oversee indigent defense services." The bill would include state funding — a "couple million dollars," he said — "that can be handed out to individual counties. That money could be used to pay for public defenders, expert witnesses or private investigators."

Utah is one of two states that delegates the legal services for indigent persons to each county

individually, so there is really no oversight office in the state to oversee how each county is doing this job. Many of the counties simply don't have the money to allocate to quality indigent defense.

According to the article, "The proposed legislation is a result of four years of study by a state task force, which included hiring the 6th Amendment Center to review the way the accused are being represented." This resulted in a report released in October which identified a variety of flaws in the system. One of the findings was that in Justice Courts, over half of the defendants are never provided legal representation. It also found in "District Courts, where more people are given public defenders, 'systemic deficiencies' prevent those attorneys from effectively advocating for their clients."

This article is interesting and if you are interested in finding out more about the bill you can research it at le.utah.gov and follow it. Don't be afraid to notify your representative and senator of your opinion on any of the criminal justice bills that are coming up this year.

PRISON INMATE CALLING RATES TO BE REDUCED BY FCC BEGINNING MARCH 17, 2016

The following is taken from a news release from the Federal Communications Commission originally released on October 22, 2015. It should be noted that **these rules are for pre-paid phone plans paid for by the recipient of the call** (putting funds on a pre-paid phone account) **as well as for calling cards that inmates purchase.**

FCC TAKES NEXT BIG STEPS IN REDUCING INMATE CALLING RATES

Acting on its mandate to ensure that rates for phone calls are just, reasonable and fair for all Americans, the Federal Communications Commission today took further steps to rein in the excessive rates and egregious fees on phone calls paid by some of society's most vulnerable: people trying to stay in touch with loved ones serving time in jail or prison.

With the cost of a call sometimes ballooning to \$14 per minute once inside prison walls, the FCC for the first time capped rates for local and in-state long-distance inmate calling, and cut its existing cap on interstate long-distance calls by up to 50 percent.

At the same time, the FCC closed loopholes by barring most add-on fees imposed by inmate calling service (ICS) providers, (such as I C Solutions) and set strict limits on the few fees that remain. Extra fees and charges can increase the cost of families staying in touch by phone with loved ones who are incarcerated by as much as 40%.

While contact between inmates and their loved ones has been shown to reduce the rate of recidivism, high inmate calling rates have made that contact unaffordable for many families, who often live in poverty. Reducing the cost of these calls measurably increases the amount of contact between inmates and their loved ones, making an important contribution to the criminal justice reforms sweeping the nation.

This action builds on reforms begun by the FCC in 2013, when it acted on a petition by Martha Wright, a grandmother from Washington, D.C., for relief from the exorbitant rates she was paying to call her grandson in prison. These reforms set an interim cap of 21 cents per minute on interstate debit and prepaid calls, required ICS providers to file cost data. In October 2014, the FCC sought comment on the data and proposed to reform all inmate calling rates and fees.

The Order adopted by the Commission on October 22, 2015 acts on that data by lowering the cap to 11 cents per minute for all local and long distance calls from state and federal prisons, while providing tiered rates

for jails to account for the higher costs of serving jails and smaller institutions. The new caps fully cover the

enhanced security requirements of inmate calling, while allowing providers a reasonable return.

Key Provisions of the Order:

-- Ensures that rates are just, reasonable and fair by establishing caps on all interstate and intrastate inmate calling rates. New caps reduce the average rates for the vast majority of inmate calls substantially, from \$2.96 to no more than \$1.65 for a 15-minute intrastate call for most calls, and from \$3.15 to no more than \$1.65 for most 15-minute interstate calls.

-- A tiered rate structure accounts for the relatively higher costs ICS providers face in serving jails (especially small jails) as opposed to state and federal prisons. The rate caps are as follows:

11 cents/minute for debit and prepaid calls in state or federal prisons. *Approximately 71% of inmates reside in state or federal prisons.*

14 cents/minute for debit and prepaid calls in jails with 1,000 or more inmates. *Approximately 85% of inmates reside in institutions with populations exceeding 1,000*

16 cents/minute for debit and prepaid calls in jails with 350-999 inmates.

22 cents/minute for debit and prepaid calls in jails of up to 349 inmates.

-- Rates for collect calls are slightly higher in the first **year and will be phased down to these caps over a two-year transition period.** Eliminates unnecessary fees by capping or banning burdensome ancillary service charges, which can add nearly 40% to the cost of a single call.

-- **Caps the following ancillary service charges at the levels** listed below, based on cost data collected by the FCC:

- Automated payment by phone or website: \$3.
- Payment through a live agent: \$5.95.
- Paper bill fee: \$2.

Third-party financial transaction fees, such as fees charged by MoneyGram or Western Union, may be passed through with no mark-up. Prohibits all other ancillary service charges. Allows mandatory taxes and regulatory fees to be passed through with no mark-up. Tackles other loopholes by prohibiting mandatory minimum payments and places a floor [I hope that's a limit or ceiling, Ed.] on mandatory maximum payments.

Discourages "site commission" payments: payments by ICS providers to institutions that are not related to providing calling services. Defines the term "site commission" broadly and reaffirms that site commissions are profits, not a cost of providing ICS. Excludes the payment of site commissions from the FCC's determination of rate caps. While the Commission does not prohibit providers from paying site commissions, it strongly encourages parties to move away from site commissions and urges states to take action on this issue

Bans flat-rate calling by disallowing providers from imposing so-called "flat-rate calling," that is, a flat rate for a call up to 15 minutes regardless of actual call duration.

Facilitates access for people with disabilities by requiring providers to offer free access to telephone relay service (TRS) calls for inmates with communications disabilities and applies a steeply discounted rate for TTY-to-TTY calls. It also obligates correctional institutions to make TRS available to people with communications disabilities. It encourages jails and prisons to allow commonly used forms of TRS and requires them to report service quality issues.

Oversight and monitoring of compliance requires, ICS providers to file data annually with information on rates, fees, site commission payments, the number of TRS-related calls and complaints, and video visitation rates and fees. To ensure transparency for consumers, ICS providers must disclose rates and fees

The new rates take effect 90 days after publication in the Federal Register in prisons, and 6 months after publication in the Federal Register in jails. The FCC is committed to closely monitoring the implementation of reforms, including a review in two years to determine if additional adjustments are required.

-- Finally, a Third Further Notice of Proposed Rulemaking seeks comment on several issues, including:

- ★ Rate caps for international ICS.
- ★ How to promote competition in inmate calling services to reduce the need for regulation.
- ★ The use, costs and rates of video visitation and other advanced inmate communications, services, and whether these services could be used to circumvent traditional ICS rates.
- ★ The use of revenue-sharing agreements and whether additional reforms are necessary.
- ★ Whether the FCC should adopt a recurring mandatory data collection and submission of contracts.

The new rules for rates affecting state and federal prisons take effect on March 17, and in jails (generally smaller institutions) on June 20, 2016. (Cont'd on page 10)

Filing a Complaint About Phone Overcharges

If you feel you or a family member has been overcharged by an inmate calling service provider, you can file a complaint with the FCC. To file a complaint by mail, include your name, address, contact information and as much detail about your complaint as possible, including the service provider, prison/jail, etc.

Send to: Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street S.W. Washington, DC 20554

To complain about rates for in-state collect calls (not pre-paid calls) from public phones in prisons, contact the state public utility commission in the state where the call originated and terminated.

* * * * *

An Indispensable Resource for UPAN Families

by Shane Severson, *UPAN Director of Communications*

Love the UPAN Newsletter and can't get enough? We understand. Luckily we've taken the best information UPAN has to offer and put it in one convenient location.

Visit our new and improved website for the latest info on UPAN events and criminal justice news in your community. Our website has more in-depth information on the Board of Pardons, Prisoner Family 101, Prison Relocation, and more!

Subscribe to the digital version of our newsletter at our home page, and consider making a secure, tax-deductible charitable donation at the Donate tab. Find us online at www.utahprisoneradvocate.org. Also, please "Like" us on Facebook and "Follow" us on Twitter to get UPAN and related information delivered directly to your newsfeed!

Links to our social media pages can be found at the top of our website homepage next to the UPAN logo, just click the Facebook or Twitter icons. Or go to www.facebook.com/utahprisoner and twitter.com/utahprisoner to get connected right away. Show us some love, comment on our articles, and get engaged in your community. We add new content every week, so bookmark us and visit often for tons of helpful information found in one place.

Food for Thought:

A person is not finished when defeated; only when he or she quits. Paraphrased from several prominent sources.

Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are. John Wooden

Sometimes our candle blows out, but is blown into flame again by an encounter with another human being. A.Schweitzer

May this detour in your life be a launching pad for the next successful season of your future. WFR

And a few Smiles: *Once you've seen one shopping center, you've seen a mall.* A boiled egg in the morning is hard to beat. *A short fortune-teller, who escaped from prison, was a small medium at large.* ☺ Till next issue, stay cool, Ed.

* * * * *

Utah Prisoner Advocate Network
P.O. Box 464, Draper, UT 84020
Website: UtahPrisonerAdvocate.org
Email: Utahprisoneradvocate@gmail.com

President: Molly Prince
Vice-president: Shauna Denos
Secretary/Treasurer: Heather Fabian
Website Design & Electronic
Communications: Shane Severson
Graphic Designer: Holly Moore
Newsletter Editor: Warren Rosenbaum

