



UPAN Newsletter Volume 3 Number 5 | MAY 2016

“Empowerment and Growth Through Knowledge and Unity”

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NEXT UPAN MEETING: MONDAY, JUNE 13, 2016 6:30-8:30 PM

Location: Downtown Salt Lake City Library 210 East 400 South, Salt Lake City, UT 84111
Conference Rooms A-B-C downstairs below Main Library Foyer

Sharing with your Legislators. This meeting will be like the January meeting: **We are inviting our Utah Representatives and Senators to attend** and hear the concerns of UPAN Families. We also hope to hear any information they can share regarding possible areas of attention in the 2017 legislative session.

Please read top of page 2 for the agenda & important details to be observed at this meeting.

THERE WILL NOT BE A UPAN MEETING IN JULY

AUGUST UPAN MEETING: Monday August 8, 2016 6:30 – 8:30 p.m. Location TBA

TOPIC: Sex Offender Issues – Treatment, Aftercare, Parole Conditions

NEXT FOCUS MEETING: MONDAY, JULY 11, 2016 6-8 PM TOPIC: TBA

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)

SPECIAL NOTICE: Everyone attending **FOCUS meetings**, needs to get there **BEFORE 6 PM.**

We have a new meeting room. We are escorted back to the meeting. Thanks for your cooperation.

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Contact Info for PrisonEd Foundation: Box 900693 Sandy, UT 84090 Email: prisonedfoundation@gmail.com

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“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

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

Monday, June 13, 2016 “Sharing with Your Legislator”
(Bring Your Legislator To Our UPAN Meeting)

We are asking our UPAN participants to contact their local representatives and senators and invite them to our June 2016 meeting. You can find out who they are by going to: le.utah.gov. E-mail them, call them, and send them a written invitation. This will only be successful if we all do our part to invite them!

This Meeting Will Have Three Objectives:

First: This will put a face to the names we hear about up on the Hill. And they will get to put a face to the constituents they represent.

Second: We can give first hand stories about the real people being affected by the laws they are passing.

Third: We can let them know what we would like to see happen with the new criminal justice reform.

This will be accomplished the same way as last January. There will be a list for participants (you) to sign up in order to speak. Each speaker will get up to four minutes to express their views. We would like this to be a positive experience for all involved, so be careful in how you present your issues. Our representatives should come away with an appreciation of everything we as families, and our incarcerated loved ones, are going through. We hope to share ideas that continue to facilitate positive change. We need their help, they need our experience, and we need them to be on the side of truth, fairness, reform and healing.

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SUMMARY OF CHAPTER 5 (BOP Should Consider Implementing Process Efficiencies)
A PERFORMANCE AUDIT OF THE BOARD OF PARDONS AND PAROLE

Implement Process Efficiencies For Minor Offenses

As reported in the past three months' newsletters, the Audit Report on the Board of pardons and Parole is lengthy and detailed. This month we will summarize Chapter 5. This is the final chapter of this document. It states "to deal with ever-increasing workloads and board decisions, the BOP should consider implementing process efficiencies." Specifically, the Board should consider a more streamlined approach for less severe offenders who have similar lengths of stay. The number of persons seeking pardons who have relatively minor offenses has been increasing because they have not been able to obtain a records expungement.

A Streamlined Decision Process for Low-Risk Offenders

The Audit states that "As the state's population grows, the BOP's workload will continue to increase." This was studied by the PEW Charitable Trusts in 2014 at which time they estimated that Utah's prison population will grow 37% in the next 20 years. In order to deal with this and avoid needing more and more housing in prisons, the Auditors recommend that the Board should consider process efficiencies before adding more hearing officers. They cite other states have achieved efficiencies by streamlining the parole processing of low-risk, less severe offenders.

Growing State Population

Utah's population exceeded 3 million in 2015 and is expected to reach 4 million by 2031. The Audit reports that Utah's incarceration is one of the lowest in the nation at a rate of 242 inmates per 100,000 population in 2013, compared to western states' rate of 416 and the US average incarceration rate of 478 per 100,000.

However, Utah's prison population has grown steadily over the past 20 years and is now at about 7,000 individuals incarcerated in the statewide prison system. There is hope that the Justice Reinvestment Initiative (JRI / HB 348) will slow this rate of growth even though the initial inmate growth is expected to increase as Utah's population increases. Population growth means that the BOP will have an increased number of decisions to make regarding parole release dates, restitution, warrants, and revocations.

Currently the Board has 37.5 full-time equivalent employees. The report indicates that in the past the Board hired more hearing officers to deal with increased prison population growth and increased the number of hearing officers to conduct more face to face hearings. Warrants for revocation of parole can be approved by only one board member rather than a majority.

One Finding: The Board Makes Consistent but Time-Consuming Decisions on Short Sentences

The auditors discovered that the Board spends the same, lengthy, extensive decision making process for nonviolent, short-term cases as it does for much longer term, more severe cases. Currently cases are assigned to hearing officers and board members randomly and the Board feels the "weighting of cases gets sorted naturally as hearing officers will devote more of their weekly caseload to complex cases" than to simple ones. The Auditors want a more sophisticated and specific process.

The Board Process & Low Risk Offender Numbers

To prepare for an original hearing, the Board goes through the following process: 1) the sentence length must be verified; 2) victims are identified and notified;

3) a restitution review is conducted; 4) a summary of the inmate's crimes and history is written; 5) a face to face interview (parole hearing) is conducted by a hearing officer. The report states that these steps must occur before three board members can vote on a parole date. Since there is no precision to managing the caseloads, the same process can be used for someone charged with minor drug possession or someone charged with a high level offense, such as murder. *UPAN comment:* *Nowhere in this process the Board described to the Auditors does it indicate that the hearing officers or Board members review the information contained in the Board Packet (blue packet) that contains the offender's behavior and performance in prison, progress on the Case Action Plan goals, etc.*

The Auditors found that in 2014, 53% [773] of the 1,459 inmates released were non-violent, non-person offenders who spent less than 2 years in prison. For the past 10 years, an average of 845 parolees were released each year whose offenses were related to alcohol or drugs, driving violations, drug possession only, or some other type of non-person offense, after having spent less than 24 months in prison.

The report states that, "On average, a hearing officer will conduct 300 original hearings per year, spending 3.3 hours per hearing, which means the less severe cases alone occupy the time of three hearing officers." The Audit recommends that streamlining and reducing the process for low level offenders, the Board could free up the time of at least one hearing officer for other duties or to manage increased caseloads caused by population growth. It should be noted that PEW also recommended this in their study in 2014. The auditors' report that one of the states they studied was Ohio which made this type of change, this enabled their parole board to focus time and resources on setting parole dates for the more serious/severe crimes and offenders.

Streamlining, Determinate Sentences, Early Release

The report indicates that national statistics show that 17 states have streamlined certain cases/offense-types by placing inmates on determinate sentences. It should be noted that according to the Association of Paroling Authorities International (APAI) 75% of releasing authorities with a determinate sentencing structure still have the discretion to release before the determinate sentence is completed.

Pennsylvania 50,000/9/18 vs. Utah 6,599/5/11

Another state the Auditors studied was Pennsylvania. It has 50,000 state inmates with 9 parole board members and 18 hearing officers. As of November 1, 2015, Utah had 6,599 inmates, 5 parole board members, and 11 full time hearing officers. Pennsylvania allows hearing officers to vote in certain circumstances for less severe offenders. An example is for a low level, non-violent offender, one hearing officer and one board member

vote regarding release. If the two disagree, a second board member votes to break the tie. For decisions on violent offenders, hearing officers do not have a vote and the Pennsylvania board requires two board members to agree and requires a majority vote of the board to release the most serious offenders. (The Audit did not set out definitions of "most serious" offenders.)

Another interesting aspect of Pennsylvania is they have a Recidivism Risk Reduction Incentive Law. This allows low-risk offenders who meet very specific criteria to receive a parole date that is the date of the end of their minimum sentence without any further review by the parole board. A single approving vote by a hearing officer allows the inmate to be paroled without a face to face hearing. The Audit notes that Pennsylvania was able to create these efficiencies due to that state's reliance on evidence-based practices and the structured decision making process discussed in Chapter 3 of the Audit and reported on in the March UPAN News. The outcome for Pennsylvania is that their "efficiency measures have not negatively affected decisions' outcomes." Therefore, the Auditors recommend that Utah's BOP should create efficiencies in their decision process while maintaining public safety outcomes and this should be done prior to seeking funding for additional board members.

The Board Should Consider a New Review Process for Less Serious Cases

While the PEW study recommended the parole board create a presumptive parole release for non-violent offenders at their Sentencing Guideline date (with certain exceptions), the Auditors are not recommending presumptive parole. However, they did identify some changes that could streamline the process. These are:

- 1) The board could limit the case summary and case preparation requirements and assign the hearing officers higher caseloads for lower level cases.
- 2) For releasing low level, non-violent offenders, the requirement for three agreeing board votes currently in place could be reduced.
- 3) The board could consider Pennsylvania's approach of allowing the hearing officer a vote in limited and controlled circumstances.

The Audit also discovered some states don't require a face to face hearing with certain low level offenders. This would require a change in Utah law if it were to be implemented. The prevailing thought in Utah is that face to face hearings help to promote rehabilitation and are important for disclosure and due process requirements. The BOP has been advised by the Audit to review the merits of all suggestions and decide on the options that will achieve the greatest efficiency while maintaining or improving public safety and criminal justice outcomes.

Changing the voting structure can only take place after the implementation of the structured decision making process and electronic data collection,

storage, and sharing. Currently it appears that the majority of decisions with the Utah Board are made after only 3 board members vote. The Auditors reviewed 488 parole board hearing decisions and found that in 96% of the cases, just three board member votes were needed to reach a parole decision. It states, "Only in rare cases was a fourth or fifth board member vote required because of disagreements." The adoption of a structured decision making tool will improve consistency of voting in Utah.

BOP Should Review the Expungement Process and Recommend Statutory Changes

Due to more people seeking expungements due to their requests for expungement being rejected by the Bureau of Criminal Identification (BCI) in Utah, the Board is seeing a rise in the past couple of years in requests for expungement to process through the Board instead. The Board also has a greater authority to pardon, and by that extension, expunge criminal records. However, the pardon process of the BOP requires significant time and resources. The Audit recommended that the BOP and BCI review the expungement process and recommend to the Legislature statutory changes that reduce the pardon workloads. Permitting low level cases an abbreviated pardon process is an option. Also there is the option of expanding the definitions governing the expungement process in Utah law.

In 2013, Utah Legislature passed HB 33 which created a process for expunging drug-related offenses by expanding the types of drug offenses eligible for expungement. This has caused more people to seek expungements. If an applicant seeks expungement through BCI and is denied, a letter is sent advising the applicant to turn to the BOP for consideration of a pardon.

BCI reportedly receives about 500 applications for expungement per month and rejects approximately 125 of those. Some of these go to the BOP requesting pardons, which increases the number of pardon

requests it receives. Even though the Board has received funding for an additional staff position to assist with these requests, they did not anticipate so many applicants with relatively minor offenses.

The BOP then goes through an entire pardon process for each case, which totals about 10 hours each. According to the report, "Statute defines a pardon as an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction." This definition has been interpreted to mean a pardon is for rare cases and special circumstances, not low level offenses. The Audit quotes the board's administrative coordinator as saying, "It doesn't make sense to roll out a full pardon process for some of these low level cases."

The Audit recommends that low level cases receive an abbreviated pardon process. This requires change in Utah law. It would be important for the Legislature to work with the BOP and BCI to identify any additional statutory changes that would be relevant to these cases particularly in the case of repeated traffic violations.

Summary of Recommendations in Chapter 5

The Audit Report recommends that the BOP review all options available to streamline the process of making paroling decisions for less serious, low-risk offenders. The BOP should only select options that maintain or improve criminal justice outcomes. This may require working with the Legislature for statutory changes.

The Audit also recommends that the Utah Legislature work with both the Board of Pardons and Parole as well as the Bureau of Criminal Identification to review whether expungement eligibility should be expanded to include more non-serious traffic-related offenses and/or approve an abbreviated pardon process for low level offenses.

Update on Progress on the Findings of the Audit as of April 27, 2016 **by Greg Johnson, Administrative Coordinator, Utah Board of Pardons and Parole**

UPAN note: This article is being printed exactly as it was written and submitted by Mr. Johnson without commentary by UPAN. He graciously accepted our request to write a brief update on the progress of the process the Board is making on addressing the recommendations of the Audit.

The Office of the Legislative Auditor General completed an audit of the Board. The auditors spent over three months in the Board offices observing the process, interviewing inmates, and auditing hundreds of files. The audit recommended changes in strategic planning, decision making, and efficiency. You can find a

complete copy of the audit at http://le.utah.gov/audit/16_01rpt.pdf

Strategic Planning

The audit recommended the Board create a strategic plan to implement the Ten Best Practice Targets from the National Parole Resource Center (NPRC) <http://nationalparoleresourcecenter.org/toolkit2/ten-practice-targets.php> The plan will include performance measures that are reported to the public. The Board met with NPRC and has a follow-up meeting scheduled. The Board will be hiring a Deputy Director to facilitate the strategic planning process. The Board is also

engaging with stakeholders to create the alliances needed to reach the Ten Best Practice Targets.

Electronic Records

One of the biggest recommendations was to improve the Board’s record keeping system. The Board currently relies on a paper filing system. Each offender has a paper file the Board reviews in order to make a decision Without an electronic record system the Board lacks the ability to track key performance measures. The Governor’s Office of Management and Budget is working with the Board to improve current practices and design an electronic records system. The Board expects to have a proposal by the end of the year.

Structured Decision Making

Many parole boards use structured decision making models. Structured decision making provides a better understanding of how decisions are made. Well designed tools increase the effectiveness of parole decisions. Structured decision making also increases fairness, consistency, and transparency. The Board is examining models from other states as well as seeking input from interested parties.

The audit also recommended improving the ‘rationale sheet’ the Board gives to inmates with the Board’s decision. The Board drafted new rationale sheets for original hearings and parole violation hearings. As a pilot the Board is trying the new rationale sheets and seeking input from interested parties.

Efficiency

The audit recommended improving efficiency in pardon hearings and decision making for less serious offenses. Currently a pardon hearing requires five Board members. The Board could improve efficiency by having fewer Board members required to hear low level convictions. The Board is seeking a rule change to allow this to occur.

The audit noted the Board is relatively consistent in paroling less serious offenses under guideline and recommended the Board explore a streamlined process to grant parole for this group.

The Board moved up the scheduling of original parole hearings in order to allow inmates a potential release date that takes into account the earned time program and sentencing guidelines

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TELEPHONE REFORM UPDATE

by Phillip Leishman with A. Sandoval and M. Prince

Mandated Reduction of Rates Not Fully Realized

Recent changes to prison calling rates that went into effect throughout the country in March have left many consumers, prisoners and our loved ones, feeling confused, angered, and, quite frankly, hustled by inmate calling service (ICS) providers yet again. What follows is an update on what we have learned about the current telephone rates which do not fully jibe with the FCC mandate, and a call to action to enforce the fair calling rates that we as consumers are entitled to.

On March 17, 2016, the effective date for the mandated FCC reforms, calling rates were indeed adjusted throughout the UDOC but not exactly as anticipated by consumers and the FCC alike. Rather than finding a dramatic 40-50% reduction in the egregious costs that many consumers pay to keep in touch with their loved ones, most have seen only a 5% savings at best. Many are experiencing *increase* in costs even at lower rates than the majority pay.

Telephone Service Providers Court Action Affects Over One and a Half Million Families

It must be understood that the FCC is fully committed to defending the reforms to inmate calling costs mandated within their recent order. It is estimated that over 1.5 million families of incarcerated individuals are affected by this. The problem is that a few ICS providers, along with nine state departments of corrections have filed a number of appeals in the federal courts to stop these

reforms from being fully implemented. Correctional departments, who gain financially from the kickbacks from the high costs of inmate phone calls, have a stake in keeping the costs high, lest they be deprived of any kickbacks being reaped through one of the nation’s most vulnerable markets. It should be noted that the Utah DOC is not involved in these appeals.

Prior to the effective date for these reforms, notices were hung throughout the UDOC near every housing telephone area by the contracted provider, Century Link, which explained the *potential* changes to calling rates. These notices, however, came with a disclaimer printed in red that stated these reforms were subject to change pending a ruling from the federal court. (Another layer in the calling providers for Utah, is IC Solutions, which also profits from inmate calling rates and surcharges. IC Solutions is the ICS company that inmates and families currently must use if they have a prepaid calling account to accommodate cell phones.) Just before the reforms were to go into effect the prison calling providers won a small, albeit temporary, victory by way of the D.C. Court of Appeals.

A Favorable Ruling But Also A Temporary Stay

The D.C. court reviewed the profiteers’ appeal, in *Globaltel*Link vs. FCC*, U.S. Court of Appeals for the D.C. circuit, case no. 15-1461. The court ordered the following: a) The FCC ban on connection fees was upheld; b) The ban on flat-rate fees was upheld; and c)

The regulations mandate on other ancillary fees, such as account services, etc. also was ordered to go into effect. It is estimated that ancillary fees represent up to 40% of a phone call's cost. The court also d) issued a temporary 'stay' on March 7, 2016 on the mandated rate-caps pending further proceedings. Please note that rate caps of .25 per minute for collect calls and .21 per minute for debit and prepaid interstate calls established in 2014 still apply. The October 2015 ruling would have required per minute rate caps to be held to 11 cents for debit and prepaid calls, and 14 cents for collect calls.

Their Money-Grabbing, Last Ditch Efforts

This last piece of judicial equity unfortunately has allowed the inmate phone companies to hike their per-minute rates as high as .25 cents in some areas for even local calls in a last ditch effort to reap as much profit as possible before the courts decide on the issue of capping rates. This is just one more unscrupulous practice that has become a pattern in the inmate communications industry. This is on top of the mysterious surge of 'dropped' calls many consumers experienced leading up to the effective date that resulted in an abundance of reconnection fees for Century Link and IC Solutions. (Details of the FCC October 2015 ruling and the various levels of implementation and rate caps can be found in the UPAN February 2016 newsletter.)

The Court Stay Expected To Be Temporary

It should be emphasized that this 'stay' on the issue of rate-caps is only a temporary setback toward these reforms and hopefully this will be resolved within the year. FCC Chairman Tom Wheeler and Commissioner Mignon Clyburn have gone on the record stating that, "...ultimately we believe the court will uphold the new rates set by the commission." (Prison Legal News, April 2016)

Food for Thought: *The key to everything is patience. You get the chicken by hatching the egg – not by smashing it.*
Arnold Glasow

FREE VIDEO VISITS AND PAY- PER- VIEW VIDEO VISITING – CONFUSION AT UINTAH COUNTY JAIL

By Molly Prince (as of May 9, 2016)

According to the Uintah County Jail's website, twenty-five cents per minute is the going rate for visits in excess of two free visits per week in the Uintah County Jail (UCJ) these days. HOWEVER, according to jail personnel, there are no free video visits and per IPP Director James Chipp there is one free video visit per week at the facility. TelMate Communications who operates GettingOut, the administrator of UCJ's inmate communication services also says there is one free video visit per week. This inconsistent information is causing confusion and frustration for prison families.

UCJ has completely eliminated in-person contact and barrier visits. Located in Vernal, the jail is one of 20

Intra-lata, Inter-lata, and Local Explained

We reached out to Century Link in an attempt to get some clarification about these rates, specifically asking them to define the difference between *inter-lata*, *intra-lata* and *local* calls. What we were told only muddled our understanding even more. Apparently an *inter-lata* call is a call from one separate area code to another within the state. An *intra-lata* call is one coming from the same area code *but that is not considered local to the facility where the call originates.* When we asked the spokesperson to inform us as to where exactly in the state a *local* call would be registered, he simply stated that he was "not authorized to provide that information..."

As it stands now most prison calls in Utah are being charged the ambiguous *intra-lata* rate of .19 cents per minute, costing consumers approximately \$5.70 for a 30-minute call, which is a small savings of about 5% from the previous rate plus connection fee. If one is lucky enough to be calling into an as of yet unclear *local* calling zone you will only be paying 10-cents per minute, which for most consumers would amount to a 50% savings from the previous rates *but* actually amounts to a near 65% *increase* for local callers who previously paid the \$1.80 flat rate fee for collect calls in some areas of the state.

Another disturbing observation that highlights just how devious the prison phone call providers can be is that if an inmate's call was allowed to run just eight minutes beyond the 30-minute call limit the new rate of .19 cents per minute would actually begin to cost consumers even more than the previous rate with the connection fee.

[To see how this plays out, and information on the funds DOC receives from inmate calls, stay tuned...Ed.]

county jails used as repositories for state inmates caught up in the Inmate Placement Program (IPP) that the Utah Department of Corrections is using more and more frequently the past couple of years.

Eric Ethington of City Weekly was writing an article for the April 28 issue on the new Skype-for-a-fee in UCJ. He called, asking for my opinion. I was aware that UCJ had done away with face to face in-person visits and replaced them with video visits, like many jails have done over the past several years. I had not known it was for a whopping \$7.50 for a 30-minute video visit that is held at the jail. I was shocked and speechless to hear such an outrageous thing. I realized in that

moment that inmate visits have sunk to a new low. I call it the Pay-Per-View Visit. A moment later, I was no longer speechless. In the weeks since, I have talked about it quite a bit. People who really know nothing about prison or jail are astounded to hear of this development. People in the know are upset. People affected by it are feeling used, abused, angry, and disenfranchised. It generates fear that it will happen in our other jails and in the prisons. Fear that it will be implemented in the new prison.

Contradictions and Confusion About Free Versus Pay-Per-View Visits at UCJ

The website <https://www.gettingout.com/uintah-county-jail/> indicates visitors can have two free 30-minute video visits per week at the Telmate kiosk in the jail lobby. It states that anything above that will require a payment. However, I called Uintah County Jail and listened to the recording about visiting and then talked to a live person who told me that the inmate gets only one free video visit for his first visit, and all others require payment. The courteous officer said he had not heard of any weekly free video visits there. He suggested I call the number on the website (TelMate).

Four different people involved in learning about UCJ's visiting methods over the past few weeks (including myself) have been given information when calling the jail that is in conflict with the information provided on the website. We have all been told by jail personnel that inmates/families must pay for all video visits. None were informed that inmates are supposed to receive two free video visits per week like the UCJ/GettingOut website says, or one free visit as TelMate and Director Chipp say.

Offsite, Remote Visitation Is Available for \$9.90 for 30 Minutes, According to the Website

This means visitors can basically skype from home. Of course there are also deposit fees associated with every deposit to a pre-paid phone/visiting account. One woman, who does the remote visiting with her husband, reports that the visits are actually 15 minutes. Skyping is not something that costs extra money out here in the community. However, there are quite a few prison families who cannot afford the internet and some that don't own a computer, so the Skype from home is not an option for them, either.

Video Visitation Should Be One of Several Visiting Options, Not the Only Option

I have an aversion to using electronics and technology for everything that living, breathing people used to do, but I do appreciate some of the benefits of technology. I do consider remote video visitation and skyping for visits as a viable "option" **in addition** to in-person, face to face visits for families of inmates who live far away, both within Utah and in other states, from where their loved one is housed. Video visiting can never be an effective replacement for the quality of in-person

visiting. Unfortunately, over the past few years, many counties in Utah have already replaced in-person visits with video visits. But video visiting within a correctional facility of any kind should absolutely never have a price tag attached to it.

The Only Real Reason for Pay-Per-View Visits Is Financial

I know there are dozens of arguments posited by correctional administrators supporting the use of video visits in general. Reducing staff costs, reducing the introduction of contraband, and reducing the movement of inmates through the facility and other security reasons, are the main reasons cited. However, in-person visits are a privilege that have always been provided for inmates who have good behavior. Barrier visits are the logical option for situations in which the inmate has ended up in a position for which the jailers cannot trust him to be in an in-person visit for various reasons. If an inmate is truly not safe to take to a visit, then a video visit could be an option.

Both types of in-person visits require attentive correctional staff to facilitate visiting. We have a lot of officers throughout this state in both the prisons and jails that are willing and able to do their jobs when it comes to supervising visits and paying attention to reduce the entrance of contraband through visiting. I seriously doubt that video visiting is going to significantly reduce the introduction of contraband on a large scale in the long run. But use of video visits reduces staff cost. So why should visitors and inmates be required to pay 25 cents a minute for video visiting when the staff cost has been reduced?

What pay-per-view visiting is going to do is generate revenue for the county through the financial kickbacks that the communication providers give to the correctional facilities under the label of "commissions" or "surcharges" resulting from these exorbitant user fees. This comes at the price of the humanity and well-being of our prisoners and families. In choosing to impose pay-per-view video visits, UCJ has contributed to the inmate communications industry that continues to create ways to take advantage of inmate families.

Charging for Visits Exploits Families and Discriminates Against Those Who Cannot Afford It

I will not go into detail about the research which shows that in-person and contact visits are a positive incentive to elicit good behavior of prisoners, nor the importance of touch (hand-holding, hugs) afforded in contact visits to the well-being of individuals who are incarcerated for many years. We know how important these things are.

There are many reasons this practice should not be the only method of visitation, particularly for long-term state inmates housed in county jails who have done nothing to warrant losing in-person and contact visits afforded in the prisons. For families to pay \$7.50 to have a 30-

minute visit while they are sitting in the same facility as their incarcerated loved one is ridiculous. We have been told by administrators that a family can ask for an exception to the fee in "extenuating circumstances" but we do not know what the jail or TelMate considers extenuating circumstances to be.

Through UPAN, I know many disabled and retired folks on a fixed income that limit their phone calls from the prison because they cannot afford them. Instead, they travel once a week (or once a month) to visit their loved one in person. Now that so many inmates formerly housed in Draper or Gunnison are in remote jails such as Vernal, it requires not only increased in-state long distance call costs but the cost to travel long distances to visit. The IPP program is already injurious to families as well as inmates on a variety of levels. To have to pay to see their loved one on a video screen and call it a visit simply adds insult to injury.

Think of the Impact on the Children

The damage to children of state inmates who are in county jails via IPP has already been a topic in many UPAN meetings. No matter what their parent did to end up in prison, the child doesn't deserve to not be able to have a meaningful visit with their parent. While contact visits where they can hold hands and give a hug, color or read a book, are the optimal, even a barrier visit is better than any video visit. A video visit should be the last resort, when it is truly a security issue because of something the inmate has done, not as a "security precaution" for all inmates. A child needs to see their parent in real life.

In many cases, the jails the state has contracts with are in remote areas and hundreds of miles away from the

Food for Thought: *There will come a time when you believe everything is finished. That will be the beginning.* Louis L'Amour

CAN FELONS VOTE IN UTAH? YES!!!

Molly Prince

Much of the following information was obtained at <https://slco.org/clerk/elections/voter-information/> <https://elections.utah.gov/> and DMV.org

For years the Salt Lake County Voter Information guide has said on its cover, "*If you don't make a choice, you don't have a voice.*" This is so true!

Finally, Let's Bury This Myth!

There is a myth that a felon cannot vote in Utah. That is false! Anyone who is NOT incarcerated in a correctional facility may register and exercise their right to vote in Utah. This means that inmates in the Utah State Prison at Draper or CUCF in Gunnison cannot vote, nor can anyone housed in a county jail or in a community correctional center or transitional center. But once released from a facility, the individual has the right to vote restored immediately.

inmates' family members. In many jails in Utah, they have video visits (at no cost) as their only option. In video visits, there is no privacy, because generally the inmate is sitting in his or her pod with other inmates walking in and out of the picture. We have been told that in some places the visiting child ends up looking up into a video screen to find they are looking at the lower half of their parent's face because the inmate is looking up at their screen trying to see their child.

Inmate communication providers have now found a way to capitalize in yet another way to profit from the pain and need of families to have contact with their loved ones. They have convinced correctional facilities all over this country to subscribe to technology that limits in person visits in the name of safety, security, and cutting visiting staff costs. So now the costs are placed directly on the families of incarcerated individuals. The user fees cited in this article are simply the costs of the visits, not the ancillary fees charged to deposit money in the account in order to access these services, nor costs associated with closing accounts if the inmate is moved to another facility.

UPAN Will Continue to Try to Find Out the Facts to Reduce Confusion

In the meantime, talk about this burden to everyone you can. It is vital that each and every UPAN family let everyone we can talk to know about this exploitative practice that has been put into place. (It will spread to other Utah jails if it already hasn't). Bring it up in the June UPAN meeting with our legislators. Talk to your county commissioners. Contact the Sheriffs about this. Aren't county sheriff's elected?

Other Eligibility Requirements Include:

You must be a U.S. citizen and must be 18 years old on or before the next election. You must have resided in Utah at least 30 days immediately before the next election.

Where and How to Register to Vote in Utah

You may register to vote year round. You can complete your Utah voter registration online, by mail, or in person. If you are eligible to vote, your county clerk will then mail you a voter registration card that tells you where your polling station is (you must vote at your assigned polling station). You do not need to designate a political party affiliation to register to vote.

Online To register online you need a valid Utah driver's license or ID card. Your address must also be current and up-to-date with the Driver's License Division (DLD)

so that your ID or driver's license information is the same as the information you are submitting online. You will need to submit your registration a minimum of 7 days before the next election you wish to participate in.

By Mail To register by mail, complete a State of Utah Mail-In Voter Registration Form and send it to your local county clerk's office at least 30 days before Election Day. This form can be found online at your local county clerk's website or at your local Driver License Division.

In Person Registration can be completed in person at your local county clerk's office. You may also register to vote at your local DLD when you're applying for or renewing your Utah driver license or ID card. Registering to vote is fairly easy and empowers you to have as much say as anyone else about your laws and leaders—countywide, statewide, and at the federal level.

When you apply for a driver license in Utah, you will be offered the opportunity to register to vote. The Utah DLD provides registration forms as a convenience for those who want to participate in the democratic process.

Changing Your Voter Information

You will need to re-register if you change your name, move to a new address, or if you change your political party affiliation. Simply complete a new voter registration form and submit it to the proper county clerk's office. You may do the same if you change your party affiliation—though you do not need to declare a party affiliation in order to vote.

Food for Thought from George C. Scott: *"The human spirit is stronger than anything that can happen to it."*
From Martin Luther King: *Faith is taking the first step even when you don't see the whole staircase."*

SUMMARY OF MAY 2, 2016 FOCUS MEETING

Four administrators were the speakers at the May FOCUS meeting.

Glenn Ercanbrack, the former director of Inmate Placement Program is now the Regional Administrator for Region 3 Adult Probation and Parole. Region 3 covers Salt Lake, Tooele, and Summit counties. Mr. Ercanbrack has a long history working in many positions with the DOC. Region 3 supervises approximately 8500 probation and parolees, or 47% of all people on DOC supervision in Utah. He supervises 295 employees which include 115 agents, as well as correctional officers and shift leaders in the four Salt Lake County halfway houses, as well as the support staff in the halfway houses and AP&P offices in these counties.

Mr. Ercanbrack reported that A P & P has put into place the methods to follow the Justice Reinvestment Initiative (HB348). He reports that JRI guidelines are

You Will Be Assigned a Polling Place to Vote

You will receive a voter registration card that identifies the location of the place you vote. These are often at schools or churches. If you prefer to not have to brave the crowds on election day, you may select to Vote By Mail. If you choose to Vote By Mail you will receive a ballot a few weeks prior to the election through the U.S. Mail and can vote and follow the instructions on the ballot and envelope to sign and mail it back.

On Election Day You Will Need to Take Valid Voter Identification

Valid Voter identification means form of identification that bears the name and photograph of the voter which may include:

1) a currently valid Utah driver license; 2) a currently valid identification card that is issued by the state, or a branch, department, or agency of the United States; 3) a currently valid Utah permit to carry a concealed weapon; 4) a currently valid United States passport; or 5) a currently valid United States military identification card.

Other Options: one of the following identification cards, whether or not the card includes a photograph of the voter: a valid tribal identification card, a Bureau of Indian Affairs card; or a tribal treaty card;

For more information, visit the State Elections Office website at <https://elections.utah.gov/> for more detailed information about voting in Utah. You may also register to vote on this website.

followed, "except for in extreme cases" where community safety would be compromised. He discussed the staff shortages Region 3 is experiencing due to both retirement and losing some agents to other departments within the DOC, and other agencies such as police departments. Currently Region 3 agents are managing huge caseloads of 70 to 75 offenders, the SOMIO Unit (Sex Offender Mentally Ill Offender) agents managing 50 – 60 parolees and probationers each. Most Region 3 officers come from other areas of corrections, such as the prison or halfway houses.

The DOC is doing open recruitment now due to so many openings for both probation/parole officers as well as correctional officers in the prison.

Jeremy Sharp took over the position of Law Enforcement Bureau Chief six weeks ago. This department

investigates criminal activity in all the correctional facilities. Areas of investigation include any problems that arise in the facilities, STG, administrative investigations, and staff investigations. He supervises 24 investigators. The LEB office is also involved in intelligence gathering and information sharing with other policing agencies and members of this Bureau are assigned to various task forces in the state. Mr. Sharp has a long history of working within both the County Jail system as well as DOC. He has been involved with the tactical unit, has been a gang intelligence officer, and an internal affairs investigator.

He stated that under his direction, "things will be changing to make the institutions safer." He discussed the challenge in stopping drugs and other contraband from entering the prisons. Increased searches and investigations in the facilities will be occurring. This includes increased scrutiny of visitors and staff. Visitors can expect increased incidents of vehicle searches. This unit's motto is "slow the flow" to keep everyone in the facilities safer.

James Chipp is the new Director of Inmate Placement Program. He left the county sheriff's system 11 years ago where he had served in all levels including CO and caseworker to work with the DOC. He served as the IPP coordinator in Washington County Jail. He moved into his new position as director of IPP approximately six weeks ago. He seems to be a good fit for the job as he has a "good operational knowledge of all the jails in the state." IPP has a small staff of 25 that handles the placement of the 1,550 inmates housed in county jails and addresses issues related to them.

Chipp is well aware of UPAN families' concerns about the use of county jails to house state inmates simply to fill a bed to meet a contract with the jail. He reports, "Things are changing." Of all the speakers, Director Chipp had the most audience questions and discussion. He is aware of the problems with the lack of uniformity between various jails due to each county sheriff making their own policies. Problems that UPAN directors have

been talking to IPP (Glenn Ercanbrack) about for several years are starting to be addressed. One area currently being examined is the commissary pricing in jails. Ercanbrack started the process of trying to make sure there is more uniformity between jails and the prisons in terms of property matrices. Chipp has continued working on this and reports that jail commanders have agreed to a property matrix that the DOC will also have a say in. Chipp is going to look at the problem of the lengthy time it often takes funds to follow an inmate after a move. He is looking into a system of electronic transfer of funds between the jails and prison. The issues regarding video visits and particularly charging fees for video visits in a facility were also discussed. (See pages 6-8 for extensive coverage on this issue.)

Jim Hudspeth is the new Director of A P & P for the entire state. He has been with the DOC for 18 years. He has been traveling the state visiting each A P & P Regional office seeking feedback from the agents on JRI and how that implementation is going. He discussed that the officers are being trained in Motivational Interviewing to increase their skills in working with offenders, both inside the institutions and on parole/probation. He also discussed the staff shortage in A P & P as a whole and the challenge of competing with counties and police departments throughout the state for quality staff. The DOC cannot pay as well as some counties and some cities.

"My goal is helping offenders succeed – those who want to succeed," he stated. He participated in the discussions of each of the other new administrators. When asked what families of inmates can do to help him reach these goals, he said we could encourage our legislature to "give A P & P the resources (funding) to let us do our jobs."

UPAN directors look forward to developing respectful, working relationships with these new directors.

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Food for Thought: *"For my part, I believe in the forgiveness of sin and the redemption of ignorance."* Adlai Stevenson
"He climbs the highest who helps another up." George Matthew Adams
"To be persuasive, be believable; to be believable, be credible; to be credible, we must be truthful." Edward R. Murrow

How about a smile before we close -- I wondered why the baseball kept getting bigger. Then it hit me.
Another: No matter how much you push an envelope, it'll still be stationery.
One more: Two fish swim into a concrete wall. One turns to the other and says "Dam!" 😊
Until next time, stay cool, Ed.

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