



UPAN Newsletter Volume 7 Number 1 | JANUARY 2020

"Empowerment and Growth Through Knowledge and Unity"

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S O Reg Info – STG Two Articles – BOPP PV Scheduling

NEXT UPAN MEETING: Monday, FEBRUARY 10th, 2020 6:30 – 8:30 p.m.

Location: Kafeneio Coffee House 258 West 3300 South, SLC

Topic: The UDC and AP&P will address Reentry and the progress they made with the new Re-Entry program. Also, new opportunities available for individuals reintegrating after incarceration and under parole or probationary supervision.

MARCH UPAN MEETING: Monday, MARCH 9th, 2020 6:30 – 8:30 p.m.

LOCATION: Kafeneio Coffee House 258 West 3300 South, SLC

Speaker: Mark Hugentobler, former principal of Central Utah Academy in CUCF

All UPAN Meetings are free and open to the public.

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

UPAN Writing Exercise – Sharpen Your Pencils and Your Brain – Writing Opportunity for Inmates

Inmates are encouraged to participate in a UPAN sponsored event. Write (in English) a story, fiction, non-fiction, article, memoir, rhyming poem or free verse poem (not rhyming), or a special category called CJS-Prison-Jail Complaints. Limit **three submissions total per inmate** selecting one or a mix of the categories. Article writing limited to about 1,500 words (5 or 6 handwritten sheets), poems limited to 100 lines each. No limit on the special category, CJS-Prison-Jail Complaints. (But book-length entries in that category are frowned upon.) **Submission deadline: Wed. July 1, 2020**. Certificates of Achievement awarded in October 2020 to all. Submissions will not be judged against other writers nor be published in the UPAN Newsletter. Writer's **names are ALWAYS confidential, especially in the CJS-Prison-Jail Complaints category**. Write the category at top right of page 1 of your entry. More details in Feb. 2020 UPAN N/L. **Submit to: UPAN Writing Exercise, P.O. Box 1018, Pleasant Grove, UT 84062**. Please do NOT send to UPAN's Draper P.O. Box address. Thanks for your participation and best wishes toward your good writing, Editor

"Cheers to a new year and another chance for us to get it right." — Oprah Winfrey

Sex and Kidnap Offender Registry Information and Public Viewing of “Untouchable”

By Faye Jenkins

The Sex and Kidnap Offender Registry is back on the agenda for the 2020 Legislative Session. Senator Todd Weiler presented his interest in studying the process for removing someone from the sex offender registry database to the Judiciary Interim Committee back in May.

During the Judiciary Interim Committee meeting held in August, Jennifer Calvo, Utah Department of Corrections, and Amanda Montague, Assistant Utah Attorney General/Deputy Division Director - State Agency Division, presented information and statistics about the Sex and Kidnap Offender Registry while answering questions from the committee. The following information was shared during the meeting.

There are six groups of people who are required to register: 1) those who are convicted in Utah of committing one of the four registerable kidnapping offenses or one of the 23 registerable sexual offenses, 2) conviction in another state of an offense substantially equivalent to one of the registerable offenses in Utah, 3) convicted of an offenses in another state and required to register in that state, 4) non-residents who are required to register under the previous requirements, but are employed or attend school in this state, 5) not guilty by reason of insanity conviction, and 6) are adjudicated as a juvenile for a registerable offense and remains in state custody 30 days before the offender's 21st birthday, or required to register as a juvenile for a registerable offense in another state.

The following statistics were shared about the number of people on the Sex and Kidnap Registry:

- Active registrants in the community – 5,255
- Incarcerated registrant – 2,262
- Registrants who have move out of state – 1,393
- Deported registrants – 654
- Total registrants on the public website – 9,655
- Registrants required to register for life – 5,235
- Juveniles required to register in Utah – 38
 - 10 with Utah convictions – 18 on public website

Once placed on the Utah registry, those required to register for ten years will automatically be removed ten years following the completion of their sentence. On average 300 registrants are automatically removed from the registry each year. The law does allow 10-year registrants to petition early removal from the registry after completing 10-years in the community or those who are convicted of one of seven specific offenses may petition removal 5 years after completing their sentence if specific requirements are met. The basic requirements to petition early removal include conviction of only registerable offenses that are eligible for early removal, completed all required treatment, paid all restitution, no new convictions for major criminal

offenses, and complied with all registration requirements at all times.

Ms. Calvo shared since the early petition laws went into place in 2012, 83 registrants have petitioned for early removal from the registry, but only 12 people met all the requirements and were granted early removal. Not fully complying with registration requirements is the main reason most people did not qualify. The law specifically states that a person must register during the month of their birthday and during the month six months after their birthday. If a person fails to register during one of those months, they are not compliant. The law also requires registrants to update their registration information 3 days after moving to a new home, starting a new job, attending new school, or buying a new car. If those changes are not reported within the required timeframe, a person is not compliant.

It is not as easy to meet the registration requirement as expected. Registrants who are no longer under AP&P supervision are required to register with their local police or sheriff department. There are more than a hundred local law enforcement departments throughout the state assigned the responsibility of providing registration services to registrants. However, the law does not dictate the hours of availability nor a level of convenience these agencies must provide registrants to help them fulfill their requirements. Ms. Calvo shared with the committee an example from an individual's registration record where the registration officer acknowledged that their offices were closed for a month inhibiting the individual to register as required by law. She acknowledged when reviewing whether a person is fully compliant in consideration of an early release, incidental failures to register will not automatically disqualify an early release petition. Those uncharacteristic mistakes will be flagged for judges' reviews as they determine whether to grant the early release. As of August, no judge has ever denied an early release petition.

Jacqueline Carlton, Associate General Counsel, Office of Legislative Research & General Counsel presented to the committee the history and development of the registration laws to present. According to her research, the Sex and Kidnap Offense Registry laws have changed 46 times since its original creation in 1983.

Significant changes to the registry include:

1987 – 5-year registration required for all sex offenders
1996 – Changed 5-year to 10-year registration, all SOs
2000 – Registry became available on the internet
2001 – Create two-tier system, lifetime reg for many
2008 – Added kidnap offenses
2012 – Added petition process for early removal
Understanding these changes to the registry laws are important. Rules in Utah code state, “Statutes are not

retroactive, unless expressly stated to be retroactive.” This means a person is subject to the version of the registration laws in place at the time of their sentencing. If a person were sentenced in 2008, they would be required to register according to the laws in place in 2008. This creates inconsistency for people who need to register. For example, there are 38 registrants who must continue to register for a specific kidnapping offense that was changed in 2010 so convictions after that date do not require registration. Currently 6 registrants must register for unlawful detention because they were sentenced during the one year it was included on the list of registerable offenses.

On November 20th, Senator Weiler presented his draft bill to the Judiciary Interim Subcommittee. The bill requires the Department of Corrections to remove an individual from the Sex and Kidnap Offender registry if the individual is on the registry for an offense which is no longer a registerable offense. The specific offenses include Class B or C enticing a minor, unlawful detention, kidnapping by a natural parent, or under other specific conditions, Class B sexual activity with a minor or a 3rd degree felony for sexual activity with a minor prior to 1986, and non-forcible sodomy.

According to the bill, a person who believes they qualify for removal from the registry submits a request to the Department of Corrections to be removed from the registry. The Department checks the current status of the applicant to determine if they qualify for removal due to registering for one of the list offenses. The Department has 30 days to reply back with their

determination on whether the individual does or does not qualify for removal. The Department’s determination is final and not subject to administrative review.

Senator Weiler recognizes that the Sex and Kidnap Offender Registry has many problems. His intent with this bill is to address the “low hanging fruit.” He is open to the idea of making more substantial improvements to the registry laws in the future as he remains in the Legislature. The version of the bill presented to the Judiciary Interim Subcommittee is on the list of the November 20th meeting notes or on the internet page. <https://le.utah.gov/interim/2019/pdf/00004937.pdf>

Senator Weiler would like to receive comments that would be helpful in ways he can improve the bill.

Legislators on the hill know that public registries are controversial laws. The general public perceives them as a favorable means for protecting children against future abuse, while in reality, they impose negative long-term impacts on past offenders and their families. To help expose the false protection of registries, UPAN is co-hosting a public viewing of “Untouchable,” a documentary by David Feige, February 4th at the Salt Lake Community College. The film gives the viewer an honest look at both sides of the registration debate, breaking down the public’s common misconceptions about past offenders and those who are required to register. Please invite your family and friends to the viewing as we strive to build bridges of support and healing between victims, offenders, and our community. The documentary is also available for private viewing on Amazon Prime, iTunes, and Google Play.

More Information Regarding the Re-Integration of STG Inmates in General Population

Summary of UDC’s position by Molly Prince

On December 23, 2019, UPAN directors Molly Prince, Britnee Webb, and Shane Severson met with UDC Director Mike Haddon, Deputy Director Jim Hudspeth, Division of Prison Operations Director Jeremy Sharp, DPO Deputy Director Larry Benzon, and Public Information Officer Kaitlin Felsted. The purpose was to discuss reports of problems experienced by inmates as a result of the removal of the A/B recreation schedule (See UPAN September, October, and November 2019 newsletters for some history on this issue.)

A/B was a temporary intervention. Director Haddon opened the meeting explaining the history of the A/B rec schedule which was implemented approximately 5 years ago to accommodate ongoing problems between two specific gangs in the Utah prison system, the Sureños and Norteños. While there are a variety of other gangs present in USP, the A/B rec schedule was in specific response to the rivalries between these two gangs. It was intended to manage the safety of inmates, staff, volunteers, and visitors while UDC put a new plan and training in place to more effectively manage safety and security of everyone within the institution. Haddon explained it was never intended to be a permanent

solution and it effectively restricted the inmates affected by it from doing programming and meeting their Case Action Plan requirements to become eligible for parole.

Need to assist inmates in their progress through prison programs. Mr. Haddon explained that one of the goals of moving to the new schedule and integrating STG inmates into general population is to assist them in their progress through their prison sentences, get programming and education so they can successfully exit the system. The A/B schedule was interfering with this goal. He also discussed that the A/B schedule created an artificial barrier in the institution and that all individuals will eventually need to learn how to get along since there will not be those artificial barriers in the community when they release.

Direct Supervision Model. The current best practice in prison management across the country is moving toward more open supervision and creating environments that will normalize and prepare inmates for release to the community rather than isolate them and not assist them in learning skills useful to success after prison.

In anticipation of the direct supervision model of the new Utah State Prison which will open west of Salt Lake City in the spring of 2022, UDC has been working toward helping both staff and incarcerated persons adjust to the new culture of the prison which they will be experiencing in the new prison. This includes having regular recreation, programming, education, and work schedules for anyone in general population. Corrections has been working toward helping inmates who once were segregated from general population for a variety of reasons to re-integrate into general population. This is not only targeting gang members - this has included integrating certain individuals from death row that meet the criteria to be safe to live in general population to mainstream as well.

Direct supervision is very closely connected to this new approach. It is not a new concept nationally and has been increasingly used in new prisons and jails being built throughout the country. It is the design of the new USP. According to the National Institute of Corrections, "Managing inmate behavior is the core function of jails. Historically, jails have emphasized the physical containment of inmates over actively supervising them and managing their behavior. This has resulted in problems commonly associated with jails, such as violence, vandalism, and unsanitary conditions. These problems create dangerous conditions for both staff and inmates and can be costly for taxpayers. To address this issue, the National Institute of Corrections developed training programs, technical assistance, and information to help jails better manage inmates."

Further, "Staff interact continuously with inmates in the housing units, actively supervising them to identify problems in their early stages. They use basic management techniques to prevent negative behavior and encourage positive behavior. Staff assume control of the jail and establish a professional supervisory relationship with inmates. There are no barriers separating staff and inmates in the housing units." <https://nicic.gov/strategic-inmate-management>.

In anticipation of the new prison's architectural style and management style, it is important that the incarcerated and the correctional staff get used to it long before 2022 when they move to the new prison.

UDC denies increase of violent incidents since starting the change. Dir. Haddon and Dir. Sharp said that despite the information UPAN and some news media have received reporting an increased number of violent incidents during the implementation process of the new rec schedule, the level of violent incidents "are actually decreasing." According to Haddon, the reports regarding what occurred at the beginning of November 2019 are not entirely accurate in terms of the level of injury experienced by the inmates involved. He stated that he has reviewed the tapes repeatedly and while there were injuries when some rival gang inmates came out on the same rec, he assured us that no one needed hospitalization and the injuries were not life threatening.

While UPAN still hears reports of serious injuries that possibly did not receive prompt medical treatment, UPAN has no independent way to verify this. There has been a report of a hospitalization and surgery since.

STG members making their own decisions. Director Sharp discussed that the inmates from rival gangs have demonstrated they are choosing one of three options to adjust to the new housing and recreation schedule: 1) come out and shake hands and go their separate ways; 2) agree to disagree – and go their separate ways rather than use violence; or 3) fight it out, at which time he said the prison subdued the fights with the least amount of force necessary to end it.

Reduce impact to other inmates when fights arise. We explored with administrators how individuals involved in altercations are managed and dealt with. While they would not get into specific details, citing security reasons, they said they move inmates involved in fights out of the section and try to get the housing unit back to normal operation as soon as possible without having to shut the entire prison down. Then those involved are investigated. We understand from other sources they also may be given criminal charges.

Corrections has a stated goal of trying to minimize the impact to non-involved inmates in the facility and not disrupt privileges such as programming, work, or visiting.

UPAN directors asked to understand the type of education that was provided about the housing and recreation schedule changes to the inmates in both Utah prisons. We were told that all of the staff (such as wardens and deputy wardens, housing captains, etc.) were trained about the integration process prior to the implementation and details about how things would be as well as what is expected of inmates. Then the staff was expected to communicate with the inmates and educate them in each facility and housing unit. It appears to UPAN that this may have been accomplished effectively in some areas, not in others.

An updated process for stepping out of gangs is in place. Dir. Sharp further explained that past policy of UDC did not give an option of getting off of the gang list. At this point it does. He briefly discussed that there is now a pathway out of a gang. In the past, individuals leaving a gang were expected to "debrief" – give information and tell on others from the gang they were leaving. Sharp stated that Utah no longer requires a gang member to "debrief" or give information on other gang members or activity in order to move out of the gang with the support of the prison. He said, "they can get out based on their behavior and choices." He referred to the "Step Down" program offered which offers conflict resolution and communication skills. (More information on this program will be available in a future Newsletter after Molly has a meeting with Programming to learn more about it.)

The bottom line. Analyzing what UDC administrators shared about the intent and goal of the new housing and rec plans and policies, it appears that each person incarcerated in Utah's prison system is expected to make their own choices about what they will and will not engage in based on what the environment and housing/prison rules are. Residents of each housing unit in both prisons are expected to figure out what they want to do with their lives and act according to their own decisions, keeping in mind the prison structure and the new type of inmate supervision the prison is working toward.

Basically, inmates housed in prisons and jails with direct supervision management have the responsibility of making choices about their values and behavior that will facilitate their being able to live safely in the facility with individuals who may be of different philosophies, cultures, and belief systems from their own.

The stated goals of the UDC administrators is to create a safe environment where residents of USP and CUCF can have a safe place for education, programming, employment, and visiting. While this information may or

may not be of any comfort to families and incarcerated individuals, we wanted to share what we learned in that meeting. It is clear that UDC is committed to a path of integration for all inmates for the reasons cited. This will apply to all residents of USP and CUCF except for inmates classified as most dangerous to the safety and security of all those living, working, and volunteering in the facilities. This means that those living in prison will need to make decisions on how they are going to adapt to and cope with this change.

UPAN's suggestions to inmates and families. Since families are often in the dark after a fight occurs and do not know if their loved ones are all right for days and weeks, UPAN suggests that every inmate fill out an Authorization To Verbally Discuss Health Information designating a family member that the prison medical can talk to if the family has concerns about the health of their inmate. Inmates obtain it from their case manager, sign and return it to the case manager to submit to Medical to be kept on file. It must be renewed by the prisoner every 90 days. (See pgs. 7-8 of this issue.)

STG Integration - Perspectives of Family Members, Inmates, and Formerly Incarcerated

This is a compilation of info UPAN has received from a variety of sources

UPAN directors are concerned, frustrated, and conflicted about various perspectives and contradictory information we have been receiving about the ending the A/B schedule and the altercations and conflicts occurring in Utah's prisons. We have summarized the meeting with UDC regarding the rationale and goals of eliminating the A/B schedule in the preceding article in this newsletter. The following article is to simply share the information and perceptions we have been receiving from impacted incarcerated individuals and what family members are learning from their loved ones.

Women make up the majority of support for individuals incarcerated in Utah's prison system. Wives, mothers, girlfriends, and sisters have been speaking out for several months about concerns for the safety of their loved ones. This came after it was announced that UDC was moving away from the segregated A/B rec schedule to integrate gang members into general population in Utah's prisons. These concerns were shared in UPAN's October and November 2019 Newsletters. They also have been publicized in a couple of digital and aired news reports from TV Channel 2, and more media coverage as time goes on.

As of the middle of January, these fears have been brought more specifically into the mainstream public eye via a protest at the UDC Administrative Building organized by mothers and supported by wives and family members of impacted inmates on January 10th. It was covered by media. An informative article by Jessica Miller appeared in the January 11, 2020 edition of the Salt Lake Tribune, warranting the front page.

The most frequent questions and suggestions UPAN is receiving regarding this schedule is why the main two gangs that the A/B schedule was intended to keep separated cannot be housed in two separate housing buildings while enjoying a regular recreation / out of cell schedule which would help them attend classes and

programming. An example often given would be one group could be housed in the Oquirrh and the other housed in Wasatch. However, with the anticipated move to the new prison in a couple of years, UDC has not been receptive to that suggestion and is anticipating everyone will need to be able to live together to accommodate the direct supervision structure of the new prison. UDC hopes to accomplish that with this integration plan.

Family members stress that many gang members are born into the gang culture and stress that because of this, it makes it even more difficult for an inmate to choose to un-affiliate.

Families are fearful and frustrated because they are being told by their loved ones that fights are happening on a regular basis. Corrections told UPAN directors in December and the media in January that the actual incidents of violence have decreased since the implementation. However, the reports of regular altercations occurring make it seem like the incidents may be escalating. In reality, no one outside of Corrections has numbers to make a comparison of the number of fights and injuries before implementation, to the number of altercations over the past 3 months.

The following are reports of incidents that UPAN has received from mothers, wives, and friends of

incarcerated persons affected in some way. A couple of the listed situations came directly from inmates.

On November 6th there were 2 incidents in Draper's Oquirrh 3 between rival gang members that resulted in fights and we have no more details of it. On November 7th it was reported that the officers in Draper would release 4 on 4 and 6 on 6 of the rival gangs at a time. All resulted in some sort of altercation.

Other November incidents were in Oquirrh 1 with 4 on 4, and in Uinta 4 there were 8 of one gang on rec and it happened that only the rival gangs' doors were opened.

There was another incident in November after Thanksgiving, but the date is uncertain. This one happened in Oquirrh 3, section 2, at about 12:30 pm. Four doors were opened, belonging to only the rivals. The inmates came out and fought. This report said SWAT came in, handcuffed all of them, took them away. At 4 pm they replaced those inmates with more of the same rival gang members. Then at 4:30 pm these four cells were opened again (no others in the pod were opened). The inmates came out and fought and SWAT returned to handcuff and remove them from the section.

While UPAN has been assured by UDC that the November / December fights required no inmates to be sent out of the facility to the hospital, UPAN is not aware of the extent of injuries anyone has experienced. The prison will not share any information regarding an inmate's medical condition. UPAN has received a report from a family member that their son was stabbed and continues to have a head gash that has not closed up.

In November, UPAN got a very descriptive account in a letter from a CUCF inmate who witnessed one incident. The letter stated that on November 6th, in Cedar 3, all inmates were racked in when around noon, officers opened two cells of rival gang members, with SWAT ready and waiting along with medical personnel and correctional officers outside the pod. He writes, "It was just like a sporting event but with real live gladiators fighting. It was a blood-bath until a flash-bang grenade stunning all 64 inmates in the section was deployed." After it was over and the inmates involved were taken out of the section, a photographer came in to take photos. The inmate wrote, "I'm taking notes as I peer out my door window." He described several pools of blood by the work-out sandbags and marks on the floor from the flash-bang grenade. Once the door opened, he could "see through my window another pool of blood outside the section where they had an inmate face-down being secured." After that there were officers coming into the section picking up the weapons and mopping up the blood, joking and laughing. He then writes "Now all is quiet... very quiet..." Two hours later he writes, "My ears are still ringing!"

UPAN received one report of an altercation during December. This person shares that "In December there

were members of one gang in the Oquirrh's yard and rival gang members were in the gym. The inmates in the gym were told by officers that their gym time was over early and sent back to their housing unit while the other gang members were still out. They ran into each other." Seven individuals chose to fight. UPAN was told that inmates asked the CO's why they had set it up for them to cross paths and it is reported that an officer responded that it was taking these particular gang members too long to fight on their own.

In January, emails to UPAN from friends and family have increased. One friend of an inmate writes, "In Oquirrh 2, section 2, January 6th at 12:15 pm there was an incident in which officers popped cells 5, 7, 9 and 11 (no other cells). SWAT was out in the horseshoe in hazmat suits. The only cells they opened were those belonging to the members of two rival gangs. And they don't usually open cells until 1:00 pm. So, opening the cells at 12:15 pm (45 minutes early) was out of the ordinary."

According to a mother, "On Tuesday, January 7, 2020, 4 inmates from each of two different gangs were fighting. One was sent to U of U Medical Center and back to Uinta 1. The inmates did not know if that individual was stabbed or not." This mother asks, "How many gang members now have extra charges and have been put in GP and then returned to the Uintas for fighting?" She said her son was not involved but has panic attacks. She sees his anxiety when she visits him.

Then, on January 10, 2020 around 6:30 pm, another conflict occurred, presumably in the Uintas. According to news reports, seven individuals were involved and one was sent to the hospital with non-life threatening injuries. As of this writing, there is no public information about whether this was related to gang conflicts or not.

Gang involved inmates and families assert that it is a culture that once born into, is almost impossible to leave. And prison is not a safe place to try to leave.

Perspectives from non-gang involved inmates. UPAN has heard about individuals who are not affiliated with a gang that have been negatively impacted by the fights, the anticipation of fights, and the rumors spread where officers are telling them it is going to be a blood bath or comments about who will survive. Inmates who live in uncertainty and fear of potential violence as well as witness the fights can experience trauma just like those involved. Unresolved trauma can cause anxiety, fear, irritability, and anger, which does not contribute to institutional safety or success upon parole for anyone affected.

One inmate wrote, "While I feel for the terror their wives and mothers feel daily, wondering if their family member is going to come out alive, I think those who choose to continue gang involvement and follow orders of the shot callers have a responsibility for how their lives play out

and the consequences they deal with. If they continue to fight and do other gang related activity, knowing the consequences can get them new charges and possibly spend life in prison if they manage to kill someone, then they are making an informed decision based in their own values. If this goes against prison policies then they will suffer the consequences or reap the benefits, depending on how they view the situation.”

Formerly incarcerated people’s comments. UPAN has also received input from formerly incarcerated persons on this subject. Some suggest that continued involvement in a gang is a choice, even for those born into gangs with intergenerational gang role models.

One email suggests this situation offers an opportunity for gang members to review how they are doing their time and who they are doing it for. Someone who spent 15 years in the Utah prison system writes: “Whether they’ll mix or not after release is questionable. There are benefits that can be gained in the community if inmates step away from the gangs that they were born into and integrate into one unit.”

He continues, “Perhaps, the prison should institute a unit devoted to gang members who have stepped away from their gangs, with enhanced privileges--the rest would have to deal with the old A-B schedule, until they were sick enough of the reduced time out-of-cell, inability to work, get an education or program, etc. The Board could ask gang members to explain why they won’t step away from their gang and make decisions

about parole accordingly. If the gang member won’t change his/her thinking while in prison, won’t s/he go back to the same old behaviors when released? Family and friends need to be in on the conversation too, if a problem like this will ever be solved. Family and friends could provide the support that encourages a gang member to step away from the old rivalries, and get a date for release, or encourage him/her to “hang tough” and continue living in prison...”

Another person who has been incarcerated and used that time to turn away from a lifetime of criminal activity shared his perception that while prison is a terrible place, it’s an opportunity to do serious soul searching and decide what one believes in and stands for. He said that it can be extremely difficult to make a serious change, particularly walking away from a way of living and a lifetime of associations that gave the illusion of belonging and safety and security. He said that in his own life he had to realize that he was not really safe even remaining in the gang because he risked being sanctioned by his own family and friends for not blindly following some orders or ways of behaving. He says it never is easy or a simple decision. He said that no one should expect the decision to be taken lightly by anyone considering whether to remain in or leave a gang.

This is a complicated issue and difficult process for everyone involved. UPAN hopes everyone involved can make the best decisions for the greater good and the safety and wellbeing of all those incarcerated.

How the Board of Pardons & Parole Handles Scheduling Parole Violation Hearings

by Molly Prince

UPAN is receiving emails from family members related to the length of time it takes to schedule parole violation hearings. We asked Administrative Director of BOPP, Dennis Moxon about it at a monthly outreach meeting.

He explained that while there are a large number of individuals who violate their parole and are returned to prison, not all warrant requests submitted to BOPP by AP&P are approved for return to prison by the Board.

It was explained there are choices parole violators have in how their hearings are handled. One is BOPP offers waivers for a Parole Violation hearing, reducing the numbers of actual in-person PV hearings when people opt for that choice. When someone uses a waiver, it avoids waiting for a hearing and they often can receive a release date at or before the regular PV guideline.

If the warrant was issued solely on a violation and does not include new charges, then the hearings are set for first arrested, first heard. The Board has designated a

specific set day for PV hearings each week, so they won’t interfere with regular scheduled original hearings, or re-hearings for prison inmates who are not there on parole violations. About 35 PV hearings occur each PV day if attorneys or evidentiary hearings aren’t required.

If the PV involves new charges, the Board will wait until the new charges are adjudicated in court before holding a violation hearing and making a decision. This can delay the PV hearing until the new charges are settled in court. If the violation involves a conviction of a new crime, then the Board will take that into consideration when making its decision on the violation.

So...the more people who violate their parole results in more parolees returned to prison to await a hearing. The outcome is, longer wait times for hearings, since there are both a limited number of hearing officers and number of days assigned to parole violation hearings.

Patience is not the ability to wait, but the ability to keep a good attitude while waiting. Anonymous

“Celebrate endings—for they precede new beginnings.” —Jonathan Lockwood Huie

Authorization To Verbally Discuss Health Information by Molly Prince

In June 2015, UPAN was pleased to announce that the UDC had finished developing the "Authorization To Verbally Discuss Health Information" form and the procedure for inmates to use when they want to permit a third-party person to speak with the Clinical Services Bureau (Medical) about their health information. The third-party person would be a family member or friend outside of prison, not in the medical profession, that the inmate identifies on the newly developed form available through their Case Managers.

Purpose and Intent of the Authorization. It was designed to provide concerned family members a mechanism to learn about what is going on with their loved ones medically, not for legal representatives (attorneys). Any release of info about health and medical issues for attorneys involves a process that includes the Utah Attorney General assigned to UDC Medical Service. That route is not to be used to get around going through the standard health care request process that the inmates are required to go through by the prison.

UDC Medical has asked us to remind people that before calling Medical about their inmate's care, the person designated by their incarcerated loved one should verify that their loved one has submitted the required form for health care requests (HCR) and prescription refills prior to calling with questions or concerns about the inmate's care or condition. The #1 complaint that Dir. Washington cited that causes problems with sharing information verbally is when a family member asks Medical to share concerns when their loved one has complained about not receiving needed care or medications. When his staff researches, they say there's no record of an HCR being submitted, or no documented medical record of the problem. He stresses that the incarcerated person needs to communicate directly to Medical through the HCR process so that Medical can follow up with the inmate directly, versus trying to provide care through the third-party intervention by the family member.

Now, as persons who are - or have been incarcerated, and as family members, UPAN is very aware that HCRs seem to get lost or not input into the system or triaged. Also, there are medical encounters that - for whatever reason - fail to be fully documented in patient records regarding what an inmate remembers being told about their condition and care and what the records show. This situation has been around for years, likely will continue, and is beyond the scope of this article.

How The Form Is Accessed - UPAN was told that the form the inmate needs is posted on the UDC's internal website, where Case Managers can access it and print it out for inmates. UPAN has repeatedly asked to have this form made available to all persons coming into the prison system but that has not happened. Director of

Clinical Services Tony Washington informed us that instead of offering inmates the opportunity to designate someone in their family they want Medical to talk to when they enter the prison system, Medical feels it is something that the patient (inmate) should ask for him/herself and said it would be like at a hospital. However, UPAN's continued position is that the form should be provided with all intake information. This is because in reality, out here in the community, anytime a patient enters a medical facility they are asked to fill out intake paperwork that includes a form that gives the patient a chance to designate a person that they authorize to receive medical information from that facility or doctor (or to leave that form blank). It is important that inmates and their families know that inmates need to request it from their case manager.

Inmate must renew every 90 days. This authorization needs to be renewed by the inmate every 90 days. UPAN has also asked USP administration several times that this short time frame be extended to an annual renewal in light of the significant number of incarcerated who have chronic medical problems. Dir. Washington has stated that the necessity to renew every 90 days will remain "to provide a way to manage changing relationships" and not allow people access to their inmate's medical info for extended periods of time.

Its Use is Limited To Verbal Discussions. This Verbal Authorization is only to grant permission for verbal discussions about an inmate's health situation between a Clinical Services Bureau staff member or treatment provider and the identified third-party rep. (family member or friend listed on the authorization).

GRAMA Still Required For Physical Copies. For physical copies of medical records, inmates still need to use the GRAMA form to request medical records; that form is also available from a Case Manager.

How Verbal Medical Authorization Works Internally Medical Administrative Director Tony Washington has designated a person at the Clinical Services Bureau to handle the calls from the designated family members about an inmate's medical situation.

How it Works For Inmate and Third-Party

1. Incarcerated person requests the form from Case Manager, who prints it out for them to fill out.
2. Incarcerated person fills out the form naming the third-party including a phone number to contact them, and returns completed form to Case Manager.
3. Case Manager notarizes form and submits it to the Clinical Services Bureau.
4. A designated staff member at the Clinical Services Bureau will contact the inmate's designated person to confirm telephone number, set up pass code, and provide telephone number the third-party will use to

call for info. The staff member will have authority to either answer questions or get information.

5. Each authorization is good for 90 days. So, if an inmate has ongoing or chronic medical conditions, he/ she would be wise to renew the authorization every 90 days so it is in place in case something comes up. **It is the responsibility of the inmate,**

not the designated third-party representative, to renew the authorization in a timely manner.

UPAN has not been informed how long it takes for the authorization process to occur once the inmate submits the form to the Case Manager, but we are anticipating about a week, depending upon if the correctional staff from Medical can reach the designated third-party.

FOCUS Meeting – December 9, 2019 6:30 – 7:30 PM

By Warren Rosenbaum and Deon Corkins

Kaitlyn Felsted, Dept. of Corrections Public Information Officer opened the meeting and introduced Katie Bennett, an A P & P Supervisor of Release/ Reentry, the subject of her presentation. Here are some details: The goal of Release/Reentry is successful completion of parole and never returning. Release Day Orientation is an initial feature at the beginning of the process where the family learns about parole expectations. A Release Day Fair featuring benefits and opportunities is offered, **but only to inmates who are picked up by family or friends.** Inmates going to Community Corrections Centers (halfway houses) receive information in a different format.

A Focused Reentry Packet, customized for each individual based on their needs, progress and continuing reevaluation during incarceration, is given to each person releasing. The Packet is based on the location where each person is returning. For example, a person returning to Vernal needs information and addresses for Vernal, like workforce services, community services, etc., also charitable and religious services are listed. If rehab is required, those services addresses will be listed also. The Packet includes limitations within which each person must remain and who to meet with to comply with their release. These are in the parole standard conditions agreement.

Targeted Adult Medicaid applications begin before release. This service is offered but not mandatory. UPAN encourages EVERY releasing person to apply.

Vocational Rehabilitation is available through the Utah State Office of Rehabilitation. Vocational Rehab begins up to 2 months before release. This is all voluntary, not required. The objective is to find a job so the person can live more independently. Also during the process there is a Question and Answer period for families to participate in. Before newly released persons depart, they are given a State ID card with photograph to aid in job search and other ID requirements. See some info at jobs.utah.gov/usor/vr.index.

Substance Abuse Treatment is a specialized service including P-ATR, Parole – Access To Recovery, with Utah 2-1-1, a free service. Also included in the Release Day Orientation packet are about forty or more "Locations to Report," listed by AP&P Regions and

counties, with addresses. Included are locations with addresses for Treatment Resource Centers including a specific Women's Treatment Center, and Community Corrections Centers/halfway houses.

FYI, Release Day Information is posted on the UDC website. Google: Utah Dept of Corrections, click on link, when the website appears, in the top horizontal menu find "Family and Friends of Inmates," run the cursor over it and a menu will drop down. Go to the last entry on the menu, Release Day Information, click and enjoy.

Dennis Franklin, Second Chance Grant Manager and Supervisor of Case Management, is a former field agent and a former Community Corrections Center (CCC) manager. Second Chance Grants to reduce recidivism were awarded to about 6 States by a federal agency. Utah received an Adult Recidivism Reduction federal grant. The implementation plan for the grant has been approved. An outside entity will evaluate the process. Reallocation of resources and program priorities will be based on the evaluation. The process starts with the early needs and risk assessments, development of case plans, program plans and analysis of community engagement, including housing needs and employment.

Dennis Franklin pointed out that goals are met more effectively when the person has buy-in (pays some \$\$). Field incentives are earned through goal achievements:

- Done in 4 steps – 1. Assessment, 2. Case Planning, 3. Programs/interventions, 4. Community Engagement.

- "Effective Case Management" – includes the right services, the right amount, at the right time.

1. Identify the needs of each person - What are the drivers of their illegal behavior?
2. Decide goals with the person - if person involved, decides own goals, more likely to achieve.
3. Mental Health considered and treated.
4. Housing/employment/career always considered.

This grant has approximately 25,000 people on it and began in October 2018. If recidivism goes down, can renew it for two to four more years. They are still working on gap analysis in programming to seek out other programs that could be added.

More Volunteers Needed to Print & Mail Newsletters to Inmates

by Molly Prince

UPAN again needs to ask for more volunteers to print out and mail our monthly newsletters to inmates in the Utah State Prison system. UPAN is all volunteer. We rely on the kindness and generosity of prison families and community members to help us print and mail newsletters to inmates who have no one else to do so. We have been publishing a monthly newsletter since June 2014. UPAN emails it to over 1,100 individuals that include family members and friends of incarcerated persons, interested community members, various community agencies, legislators and other elected and appointed government officials, corrections officials, and news reporters.

We have 56 volunteers that currently print and mail monthly newsletters to approximately 410 state inmates who do not have family or friends to do this for them. Volunteers do not necessarily have the time; they just have the heart. If you want to help, please email us at: utahprisoneradvocate@gmail.com and let us know how many individuals you wish to send newsletters to.

How it works. The 10-page newsletter can be printed front and back on lightweight (20-lb.) printer or copy paper for a total of 5 printed sheets that will fit into one white #10 envelope for the cost of one Forever stamp. The newsletters are printed in black and white and mailed in a #10 white envelope. Colored envelopes are not accepted by the prisons. You will use UPAN's return address of: UPAN, PO Box 464, Draper, UT 84020 on newsletters that you mail in.

When addressing the envelope, it is important to list the **prisoner's name** AND **offender number** and the **facility he / she is housed in.** The prisons will return any mail that does not contain offender numbers, or if the offender number does not match the name.

You will be assigned inmates to mail to. If you volunteer to do this, our Inmate Newsletter Volunteer Coordinator, Deon Corkins, will assign you the number of inmates you have requested. She will provide you via email with the name, offender number, and housing address of the inmates you are assigned.

Double checking addresses. We ask that before mailing each month, you check the Offender Search on www.corrections.utah.gov to confirm the housing location of your assigned inmates has not changed. Inmates are moved frequently, therefore this will reduce the amount of returned mail UPAN receives and eliminate directors having to look up and re-send to inmates who have been moved to the various locations that house state inmates around the state. **Volunteer mailers can check the locations of ten inmates in less than 5 minutes. Please do this, thanks.**

UPAN has provided timely information to thousands of inmates via the newsletter over the past 5 years and we hope to continue providing newsletters to prisoners who have no one out here to print and mail to them. **The tireless efforts of our newsletter mailing volunteers over the years has been the key to its success!**

"The New Year is a painting not yet painted; a path not yet stepped on; a wing not yet taken to flight. Things haven't happened as yet! Before the clock strikes twelve, remember that you are blessed with the ability to reshape your life!" —Mehmet Murat ildan

Each of us is more than the worst thing we've ever done. Bryan Stevenson, author of *Just Mercy: A Story of Justice and Redemption*. His book is an excellent read. Submitted by Deon Corkins

A Couple of Smiles and Maybe a Laugh

Which rock group has four guys who can't sing or play musical instruments? Mount Rushmore. Why does Humpty Dumpty love autumn? Because he always has a great fall. What time does a duck wake up? At the quack of dawn.

"Never underestimate the power you have to take your life in a new direction." - Germany Kent – Stay warm, Ed.

Utah Prisoner Advocate Network

President: Shauna Denos
Past-President & Treasurer: Molly Prince
Director of Communications: Shane Severson
Inmate Newsletter Volunteer Coord: Deon Corkins
Director of Sex Offender Policy Issues: Faye Jenkins
Director of Women's Issues: Britnee Webb
UPAN Volunteer Coordinator: An Bradshaw
Newsletter Editor: Warren Rosenbaum

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Email: Utahprisoneradvocate@gmail.com
Facebook: [Facebook.com/UtahPrisoner](https://www.facebook.com/UtahPrisoner)
(Note: go there to view recent UPAN meetings)

"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