



UPAN Newsletter Volume 7 Number 5 | MAY 2020

"Empowerment and Growth Through Knowledge and Unity"

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For Moms on Mother's Day – Targeted Adult Medicaid – Moves to Oquirrh 5 – Can Felons Vote? – CJ 2020 Legislation

NEXT UPAN MEETING: Monday, May 11th, 2020 *** **CANCELLED*****

The May monthly meeting is cancelled due to need for social distancing to reduce COVID-19

UPAN June Meeting: June 8th, Uncertain – TBA depends on COVID situation.

UDC FOCUS Meeting: Cancelled Until Further Notice

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

Anndrea Parrish is the New UDC Director of Institutional Programming

Anndrea Parrish joined Utah's Department of Corrections at the beginning of April 2020 as the Director of Institutional Programming. She is filling the vacancy left by Victor Kersey, PhD. Previously, she worked for the Office of the Legislative Auditor General as a performance auditor.

Over the last eleven years, she has worked on over a dozen performance audits that improve programs, reduce costs, and promote accountability. She worked on the Performance Audit of the Utah Board of Pardons & Parole which was released in 2016. Dir. Parrish has evaluated a wide array of programs including

corrections, courts, workforce services, health, and child welfare. Her role as audit supervisor gave her the opportunity to present audit findings to the legislature, respond to media interviews, and conduct staff trainings. She has also supervised staff and promoted growth in their professional careers.

Dir. Parrish holds a Bachelor of Science in Anthropology (2005) from the University of Utah and a Masters in Anthropology with an emphasis in evolutionary ecology (2009) from the University of Utah. UPAN hopes to learn more about Director Parrish in the coming weeks.

2020 Mother's Day for Mothers of the Incarcerated

by Molly Prince, LCSW

Mother's Day is difficult for mothers of the incarcerated during any year. This year, with the suspension of visiting for the past two months due to the virus and many imprisoned people unable to call their mothers on this special day due to quarantines and lock downs, it is particularly excruciating.

Research shows that women are the primary supporters of incarcerated persons. This includes a large percentage of mothers.

Society has sympathy and empathy for mothers who have lost a child to illness or other types of loss. Society has sympathy for women who have lost their own mothers. What is rarely acknowledged or appreciated is the pain of mothers whose children, regardless of age, are incarcerated. The pain of having a child in prison is a complicated mixture of mourning, guilt, anger and anxiety.

An article on CNN.com in May 2018 by Karla Hodge and Jennifer R. Farmer entitled "What Mother's Day means for mothers of incarcerated children" outlines three things they think parents of incarcerated children should remember. The next three paragraphs are an excerpt from that article.

"1. It's OK to be happy. When our sons were arrested, we struggled with whether it was appropriate to be happy. We thought we had to wait until they were released before we could exhale. We thought it was unjust for us to be free, enjoying life, while they were behind bars. One of our mothers told us that we had to live. It was a simple statement, but it is also true. A big part of living has been choosing to find and accept happiness. Our happiness cannot be dependent on another person, including our children. This is a journey -- but we are learning to give our children's missteps back to them to carry. We've learned that our refusal to find peace and happiness doesn't lighten their load, or ours.

2. Use resources and reach out to other parents of

incarcerated children. While it may be tempting to isolate yourself, we have found tremendous encouragement in a community of others who have walked or are walking the path we're on. In addition to personal networks, we recommend Parents with Incarcerated Children, a support group for parents, and a Facebook group called Mothers of Incarcerated Sons and Daughters. We also are active with campaigns that work to end mass incarceration in the United States such as LIVE FREE. (UPAN's Facebook group for families also is a place mothers can find support from other parents.)

3. Walking away is not an option. We've never been incarcerated but we've been told about how isolating an experience it can be. Some incarcerated individuals have no support system. One day, if they are released, no one will be there for them. We will not let this be the case for our sons. We will not abandon our responsibility as mothers -- our sons will never age out of our families. Of course, not everyone feels the same way. Our sons' poor choices have caused rifts in other familial relationships and we are hopeful those broken relationships can be restored. However, we are clear that walking away is not an option."

Anyone who has had a loved one who is locked up knows that it takes strength and courage to walk the prison journey alongside them. It takes much soul searching and reflection on one's deepest values to work through feelings about the choices our loved ones have made. That process is not always understood or fully appreciated by society - or even our incarcerated loved ones. I would like to acknowledge the depth of soul that it takes to accompany your son or daughter through incarceration. I would like to remind you that you are not forgotten.

Mother's Day for mothers of incarcerated children is a day of remembrance. It is a day of gratitude for what was, sadness for what is, and eternal hope for what will be. *"Families of prisoners are the forgotten victims."*
Alison Henderson

"Each of us is more than the worst thing we've ever done." attorney Bryan Stevenson

Important Information about Targeted Adult Medicaid (TAM)

by Molly Prince, LCSW

With additional people being released from Utah's prisons through early release due to COVID-19 we feel it is useful to run this article again so that every person releasing on parole knows to apply for Targeted Adult Medicaid.

Utah has several different types of Medicaid Health Insurance Plans making the Medicaid maze confusing for everyone. Targeted Adult Medicaid (TAM) is intended for **ALL** justice-involved persons upon release from a prison or jail. Residents in halfway houses or state-run adult treatment centers are also eligible.

Contrary to misconceptions by both released individuals and some correctional staff, the releasing person does not have to have participated in a substance abuse or mental health program while incarcerated. The qualifying criteria is that the person has to be involved in the criminal justice system and

was incarcerated. It allows for 12 months of coverage from the date of release, even once the parolee obtains a job.

The Medicaid application received on release day needs to be completed and submitted to Utah Dept. of Workforce Services along with **Form 43A** as soon as possible. Form 43A is what defines the person as justice involved. It must be completed and signed by the person's probation / parole officer or halfway house shift leader and submitted to the Medicaid office. UPAN has learned that if the Form 43A is not submitted within 60 days of the parolee's release date by their correctional agent, the window to qualify closes, resulting in the former inmate being denied TAM coverage. This has been a problem for several individuals who were not aware of the time limit and the Form 43A was not completed and submitted from the

CCC or A P & P before the 60-day deadline, and the paroled person lost this coverage.

If the parolee is denied TAM coverage, they may qualify for Adult Expansion Medicaid, which terminates once the person obtains a job and has an income. This is not effective for most justice-involved persons because they often must start their probation or parole with employment thru temporary services and low wages, in jobs that don't offer affordable health insurance coverage.

RELEASING PERSONS: *Know the process, ask questions, be persistent, and follow through.* The Utah Health Policy Project offers assistance to former inmates with navigating the application process. Located at 2369 Orton Circle, Suite 20, West Valley City, UT 84119 801-433-2299
Website:healthpolicyproject.org

When it rains, look for rainbows, when it's dark, look for stars.

Director Haddon Responded to Concerns Related to Moves to Oquirrh 5

by Molly Prince

Due to a number of letters UPAN has received during April from inmates and communications from families regarding a major move of older individuals to Oquirrh 5, we are including this article rather than trying to write to a number of inmates individually. Please note that this article is simply sharing the information we have been provided by UDC. UPAN has no way to verify any deviation for special circumstances that may occur from the prison's stated policy.

UPAN contacted Executive Director Mike Haddon about the concerns brought up in these letters. He and Deputy Director Hudspeth went to see Oquirrh 5 Annex for themselves. He shared the following with UPAN after that visit.

Dir. Haddon said that he discussed some issues with the residents that he will take back to his UDC administrative team. These included complaints about food and limited access to reading material which he was going to immediately discuss with the appropriate directors and deputy directors to see how they can address and possibly remedy the situation. He said that administration will begin discussing what steps can be taken to provide more opportunity for activities and recreation since there is currently less access to classes, gyms, etc. He states, "Our team will need to be innovative, as moving the residents around is not an option until we get through the pandemic" He also appreciated that several of the men were kind enough to thank the Department and staff for focusing on their welfare during the current situation. While this is a very difficult situation for everyone – UDC administration, staff, officers, and incarcerated people, he appreciated that many inmates are understanding that these are unprecedented times that call for difficult decisions. In reading about what other prisons are doing around the

country – it appears to this writer that everyone is going through periods of trial and error in trying to figure out how to make things work to keep people safe.

Regarding inmate concerns that the 255 people in Oq 5 Annex are not being able to social distance, it was explained that the dorm setting is considered the house of inmates, so 6 feet distancing is not enforced any more than in other housing units. This is similar to the community in which residents of the same household are not expected to distance by 6 feet unless someone has tested positive for the virus. Dir. Haddon shared a statement from the doctor that states, "This unit is currently the high precaution unit and patient movement is reduced to essential matters. Individuals are not employed among the more diverse areas of the prison such as UCI or culinary, to reduce possible spread of illness and there are no newly assigned residents joining this population for the same consideration."

Since the Oquirrh 5 Annex has a population that is predominantly geriatric, often with physical or other disabilities, UPAN has been told that there are also "able bodied individuals who serve as individual patient helpers and other needed workers in the housing unit such as janitorial service, groundskeeping, and others." To address the concerns about inmates who have symptoms of dementia or evolving senility and confusion, there is a team that includes custody (housing), ADA committee and other staff to address and recommend housing changes. UPAN would recommend that any resident of this area that notices these types of problems for residents who cannot speak for themselves to bring it to the attention of staff to be addressed.

The reason that residents of Oq 5 were not able to use the Big Yard had been cited as due to the geese doing

their nesting and they are very territorial and become aggressive toward humans during that time. UPAN was told that nesting geese are regulated against disturbance for public safety and animal preservation. We have been advised that the nesting period is over and that as of the beginning of May that has "opened up more of the yard for access."

Dir. Haddon addressed UPAN's questions related to inmate concerns about the moves of UCI workers from A East and other areas, requiring a furlough of these workers. He responded, "Our goal in moving some of these individuals was to decrease the risk of their exposure by limiting the volume of traffic going into and

out of the facility. Doing so is recommended by public health experts. This will decrease the threat of exposure to the virus for those most at risk of significant adverse health impacts.

We realized this would be disruptive in terms of both employment and programming, but our intent is to move back to normal operations once through this pandemic. That will allow most of the dislodged individuals to go back to their former housing units, as well as back into programming and employment. It is a difficult balance, but the health of these individuals must take precedence over other correctional goals."

Lessons From the Changes Caused by the Virus – an Inmate's Perspective

By P

I have been incarcerated for over 16 years. I spent 10 of those in Utah's prison system. I now live in a medium security facility in another state that has open movement and indoor and outside recreation. We are fortunate that at this facility we have some freedoms that a lot of inmates across the country do not have.

With all the fear going around the world and in our country about the coronavirus, it has trickled into our prisons. I hear about lockdowns and outbreaks of the virus in other prisons and am thankful I am where I am. There is not a lot known about COVID-19 yet and that triggers fear in us all, inmates, families, prison staff, and corrections officials. This situation demands change in our normal way of living in prison.

Some rules have changed in my facility that are for the sake of the safety of inmates and staff. It isn't a smooth or easy transition for any of us. The prison has made housing moves that took many of us out of our comfort zones. Changing blocks, pods, dorms, cells, and cellies is hard for everyone. It was explained to us that this was done in order to have people who work in different jobs be housed in different parts of the prison so if there is a quarantine or lock down in one pod there will still be workers available to go to work from other housing units. One positive thing in the facility I am in is that the prison has a TV channel and puts announcements there about policies and changes. Staff here will generally tell us the truth about why something is happening instead of leaving us in the dark or telling us stories that start rumors and cause anxiety.

I have a long sentence, so prison is where I live. It is my day to day reality. For many here, prison is not just a "time out" for a couple of years. It is a way of life for the long term. Housing movements and changes in policies and routine are difficult for most of us. I thought I had learned to adapt and go with the flow when these unexpected moves pop up. But with the addition of this deadly virus that has the entire country living in uncertainty, I have had some new things to learn and

re-learn about coping and adapting over the past few weeks.

First, they stopped in-person visiting in March. Right in the middle of the week that my family, who drives 500 miles from another state to see me, was here to visit. I am told prisons did this across the country but that did not make me feel much better at losing those visits. Then they told us that to make up for missed visits, the prison would provide two 15-minute calls per week at no charge. I had been told other prisons in other states had as many as 10 free calls a week and wondered why we got only two. But I decided to be grateful for the extra 30 minutes of phone calls each week instead of worrying about if our phone call situation was unfair compared to other places.

Where I live does not have video visitation capability. My stress started with loss of visitation and challenges to make up for my monthly visits with phone calls in a system that does not work very well. Phone calls have always been a problem. They often won't ring through on the other side or will ring on my family's side but is dead air on my side. Or the quality of the call is very poor, sometimes sounding like we are underwater, or cutting out. Other times the call just drops altogether in the middle with no warning and won't go through when I try calling back. And mail is not consistent. Sometimes it comes in and goes out quickly. Other times it takes weeks. The stress rises.

I have worked hard to become a better person throughout my years in prison. I am embarrassed to say I caught myself being spoiled and selfish in dealing with the changes as they started happening in my facility due to the virus.

After visiting was stopped, they changed the recreation hours in the gym to be at night for all workers. Outside rec was getting ready to open on a regular basis for spring. I have always held a job in the six years I have been here. I have worked in the Kitchen, the Laundry and as an orderly in Medical long term / chronic care

and Hospice. I had felt pretty secure in how things were going up until COVID hit the world.

They cut our all-day shifts to a morning shift and an afternoon shift, with the workers moved to be housed in different areas to make sure there would always be coverage if one pod were to be locked down or quarantined. I retained my position as lead man but my shift has fewer workers than the afternoon shift so we have to work twice as hard to get everything done. I had to adjust to this and remind myself that I am blessed to still have my job during these changes. I remind myself every day that I am getting paid to do my job so it does not matter if I am doing tasks I did not do before, in addition to what I was already doing. I have to remind myself to focus on the positive and not the negative. I have been working to keep my mind from going into anxiety about the “what if’s” that might or might not happen when this is all over in terms of going back to my normal duties and hours. This is not always easy.

It seems like the changes keep coming almost daily. One Saturday night I was waiting with other people to go to outside rec when we were told that the yard was closed and the gym was open for “workers only.” So I thought, “I am a worker so I will just go to the gym.” I was then told I could not leave to go to the gym. I quickly became irritated and argued that I should be able to go to the gym because I am a worker. The guard offered no explanation and just kept saying it was for workers only. I voiced my opinion and was not as polite as I could have been. A sergeant came in and asked what the problem was. Once he understood the confusion he explained the situation and the new changes in more detail. Gym times also now depend

on which days someone works. He explained that due to the many changes that have been put in place so quickly to insure safety for everyone, not all staff are updated immediately. So not everyone is on the same page. He told me that they are dealing with this situation the best they can, just like we are. They have never dealt with something like this before, so it is trial and error. I felt embarrassed that I had jumped to the conclusion that that guard had just been trying to be a jerk instead of gathering more info about what was really happening.

The lesson in this for me was don't jump to conclusions when one doesn't have all the information. I think that is something we can all work on doing during the hard times we are in right now. Realize that officers are human and are dealing with changes that are happening quickly. If I put myself in their shoes, I figure out that it probably is not easy for them and they are trying to do their best with the new instructions and information they get every day.

Another lesson that I was reminded of that I still work hard to learn is don't take things personal because there are staff members who do care and want everyone to be safe. These new rules are an attempt to keep everyone healthy, so I need to not think they are just doing things to mess up my world. If we inmates get the virus, they have to come to work in a more dangerous workplace. So whether they care about us as people or not, they have an interest in keeping us healthy.

COVID-19 is creating a lot of problems that no one has had to deal with before, especially in a prison setting. I pray that everyone and their families can be safe and get through this all right.

**“You are braver than you believe, stronger than you seem,
and smarter than you think.” Christopher Robin**

COVID UPDATES IN UTAH CORRECTIONAL FACILITIES AS OF May 8, 2020

Note: This information is simply sharing what is on UDC website regarding coronavirus infections in its facilities. The UDC maintains COVID-19 information on their website at www.corrections.utah.gov.

It should be noted that if someone is tested in a correctional facility in Utah (prison, jail, or halfway house), but leaves the facility prior to receiving the results, those results do not count toward the stats for that facility. The result is counted in the location the person is living in when they receive the results.

As of May 8, 2020 the statistics look like this:

USP Draper has tested only 38 inmates, of which all resulted negative and none showed positive. There are seven inmates whose tests are still pending.

CUCF Gunnison reports only three inmates tested, and all three were negative. There are zero pending tests.

Inmate Placement Program inmates. Out of the hundreds of UDC inmates housed in the various county jails, two have been tested, and they were negative. There are no tests pending as of this date.

Atherton Community Treatment Center for women (WVC) had 3 residents test negative, no tests pending.

Bonneville Community Correctional Center for men (WVC) had 10 residents test positive, 47 test negative. BCCC has no pending tests. The website does not show how many of those 10 residents have recovered.

Fortitude Treatment Center for men (SLC) has had 4 residents tested and all four were negative. There are no pending tests.

Northern Utah Community Correctional Center (Ogden) reports no residents at all have been tested.

Orange Street Community Correctional Center (SLC) had 3 residents tested, all had negative results.

Staff: The UDC Website states that there are a total of four confirmed cases of COVID-19 in staff but does not

identify the total staff tested or the facilities those staff members work in.

It should be noted that at this time the University of Utah Hospital requires that an inmate transported to a hospital for any kind of care must be tested for COVID-19.

UPAN is aware that people are curious about various county jail statistics on COVID testing and results, but we do not have anyone who has volunteered to research this, so we do not have that information to share.

“Even in the chaos of things, you are free to slow down and JUST BE.” MHN

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](https://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!

Shattering the Myth that Felons Cannot Vote in Utah

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. People housed in a county jail, in a community correctional center, or a UDC operated transitional center cannot vote. However, once released from a facility, the person has the right to vote restored immediately.

Eligibility Requirements to Register to Vote in Utah Include:

You must be a U.S. citizen and 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. There is a box you can check on your drivers license application. After submitting your application, 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 Registration: 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.

Registering 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.

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

Registering to vote is fairly easy and empowers you to have as much say as anyone about laws and leaders—countywide, statewide, and at the federal level.

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.

You Will Be Assigned a Polling Place to Vote

If you have not signed up to vote by mail, you will receive a voter registration card that identifies the location of the place you vote. These are often at schools or churches.

Vote by Mail If you prefer to not have to go out and brave the crowds on election day (particularly if there is a resurgence of COVID-19), 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. You can vote and follow the instructions on the ballot and envelope to sign and mail it back.

In Person Voting On Election Day You Will Need to Take Valid Voter Identification

Valid Voter identification means a 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 (felons cannot); 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.

“Our lives begin to end the day we become silent about things that matter.” Martin Luther King Jr.

Criminal Justice Related Legislation of Interest that Passed in 2020 Session

by Molly Prince

This year's legislative session had several bills pass that are directly related to criminal justice reform here in Utah. Some made it through all the committees and were passed by the House and Senate. Some did not. Here are some that may be of interest that were signed into law by Governor Herbert.

HB 110 INMATE EXPENSES AMENDMENTS

sponsored by Rep Kyle Anderson and Sen. Karen Mayne was passed this year and signed by the governor on March 23, 2020. This bill creates disclosure requirements related to inmate commissary accounts and requires correctional facilities to disclose their policies or practices regarding inmate commissary accounts. "Commissary account" means an account from which an inmate may withdraw money, deposited by the inmate or another individual, to purchase discretionary items for sale by a correctional facility. "Commissary purchase" means a transaction initiated by an inmate by which the inmate obtains an item or items offered for sale by the correctional facility in exchange for money withdrawn from the inmate's commissary account.

The Commissary Account Disclosure Requirement created in this law means that a correctional facility that employs a policy or practice by which the correctional facility withdraws money from an inmate's commissary account, for any purpose other than a commissary purchase, must disclose that policy or practice to the inmate or any other individual seeking to make a deposit of money into the inmate's commissary account before the correctional facility may accept and deposit the money into the inmate's commissary account.

HB 206 BAIL & PRE-TRIAL RELEASE AMENDMENTS

sponsored by Rep. Stephanie Pitcher and Sen. Todd Weiler, passed on March 11 with a final Senate vote of 25-1-3. This bill requests that when making pretrial release determination, judges impose

the least restrictive conditions that will reasonably ensure the safety of the public and a defendant's appearance in court when required. HB 206 moves us away from a two-tier wealth-based monetary bail system in favor of evidence-based pretrial release practices.

Until this bill passed, if an individual could pay the full amount to the court or 10% to a bail bondsman, they were free to go before their case is resolved. Those that could not pay the bondsman remained in jail for weeks, months, or even longer until their case finally is resolved.

Pitcher told the Salt Lake Tribune, "The system is flawed. The problem with this system is that it does nothing to account for the public safety concerns an individual defendant may pose. Instead it creates a two-tier wealth-based system where those who have money are out and those who do not stay in."

HB206 will do three main things. First, the bill requires judges to set the least restrictive conditions to make sure the defendant comes to court; the public, witnesses and victims are safe; and the court process is effective. This means that if monetary bail is imposed, the judge would consider the person's ability to pay.

Second, the bill creates a funding mechanism that would be used to create a pretrial release program in each county. It proposes a new method of distributing forfeited bonds where 15% would go to the prosecuting agency, 60% to the Utah Commission on Criminal and Juvenile Justice and 25% to the state General Fund — rather than sending all forfeited bonds to the General Fund.

Third, the bill will streamline rules related to forfeiting bonds. Pitcher said the legislation is a response to several legal challenges across the country that have

raised concerns about the constitutionality of the monetary bail system on the grounds of equal protection and due process. Governor Herbert signed the bill into law on March 28, 2020.

HB 100 VETERANS TREATMENT COURT ACT

sponsored by Rep V. Lowry Snow of St. George was passed unanimously this session and signed into law by the Governor on March 24, 2020. It is intended to assist military veterans to deal with their issues in a non-criminal manner. It will establish a statewide veterans court system administered at the local level by the existing courts. The concept is to provide veterans who have been arrested with a different option than incarceration. It is based on the idea that for many veterans, criminal activity is a result of post-traumatic stress disorder and substance abuse, which is often a maladaptive coping skill used by veterans to deal with the psychological and physical trauma they experienced in the military. This bill encouraged collaboration between prosecutors, defense attorneys, and judges to place these individuals in a probation program that helps treat vet's issues to get them stable, back on their feet, while alleviating the stigma of having a conviction. Currently in Utah, a small number of veterans' courts exist to handle misdemeanors. This bill would set up a statewide standard so any court can utilize the same guidelines and process.

HB 288 PROSECUTOR DATA COLLECTION AMENDMENTS

sponsored by Rep Marsha Judkins and Sen. Jacob Anderegg was signed into law by Gov. Herbert on March 28, 2020. It mandates all county jails in Utah compile data on inmate gender, race and ethnicity and that attorney's offices collect information on what charges were brought against a defendant, whether pre- or post-filing diversion were offered, whether bail was requested, and if the agency declined to file charges. The data would be submitted in an annual report to the Commission on Criminal and Juvenile Justice (CCJJ), the bill's text states. This information will give lawmakers a comprehensive understanding of the state's criminal justice system. Data from courts and jails is already available, but in the area of prosecution, Utah has not had a system to gather that information and it was not easy to search or compile it. Having this information will help identify any unconscious bias in Utah's criminal justice system. It also will provide that certain information and policies be made available to the public and provides that the CCJJ will compile and analyze the data and publish it in an annual report.

This bill had the support of Kim Cordova, executive director of the Utah Commission on Criminal and Juvenile Justice and the Salt Lake County District Attorney's Office.

Jason Groth of the Utah's Smart Justice program at the ACLU of Utah, spoke in favor of the bill saying that without adequate data, it is difficult to see how the

policies of prosecutors are being implemented throughout the state. He went on to say, "This is especially true when you look at the prosecutorial decisions on people of color in Utah, which are overrepresented in our criminal justice system. We know this by looking at the numbers on the back end, but this will help us get that complete picture."

HB 038 SUBSTANCE USE AND HEALTH CARE AMENDMENTS

sponsored by Rep. Brad Daw and Sen. Allen Christensen. This bill modifies and enacts provisions relating to substance use treatment and health care provided in a correctional facility. It defines terms and directs the Department of Health to apply for a waiver under the state Medicaid plan to offer a program to provide Medicaid coverage to certain inmates for up to 30 days before release from a correctional facility. It requires a county to provide matching funds to the state for Medicaid coverage, and costs relating to the Medicaid coverage, that is provided to certain inmates for up to 30 days before release from a correctional facility; and makes technical changes.

Definitions: A "Correctional facility" is defined as a county jail or the Utah Department of Corrections, or a prison, penitentiary, or other institution operated by or under contract with the Department of Corrections for the confinement of an offender.

"Qualified inmate" means an individual who is incarcerated in a correctional facility, and has a chronic physical or behavioral health condition, a mental illness, or an opioid use disorder. It states: Before July 1, 2020, the Utah Dept. of Health shall apply for a Medicaid waiver or a state plan amendment with Centers for Medicare & Medicaid Services (CMS) to offer a program to provide Medicaid coverage to a qualified inmate for up to 30 days immediately before the day on which the qualified inmate is released from a correctional facility.

The department shall report to the Health and Human Services Interim Committee each year before November 30th while the waiver or state plan amendment is in effect regarding:

- (a) the number of qualified inmates served under the program,
- (b) the cost of the program, and
- (c) the effectiveness of the program:

including any reduction in the number of emergency room visits or hospitalizations by inmates after release from a correctional facility; any reduction in the number of inmates undergoing inpatient treatment after release from a correctional facility; any reduction in overdose rates and deaths of inmates after release from a correctional facility; and any other costs or benefits as a result of the program.

A county that is responsible for the cost of a qualified inmate's medical care shall provide the required matching funds to the state for:

- (a) any costs to enroll the qualified inmate for the Medicaid coverage described in this bill,
- (b) any administrative fees for the Medicaid coverage described above, and
- (c) the Medicaid coverage that is provided to the qualified inmate.

HB 344 SEX OFFENDER RESTRICTION AMENDMENTS sponsored by Rep. Val K. Potter and Sen. Lyle W. Hillyard This bill amends Utah code 77-27-21.7, as last amended by Laws of Utah 2012, Chapter 145 and provides additional restrictions on individuals who must register as a sex offender. This is an amendment to an existing law restricting individual who committed sexual offenses against minors from going to protected areas and adds that a “sex offender may not serve as a coach, manager, or trainer of a minor; and makes technical and conforming changes.” The definition of a “minor” is an individual who is less than 18 years old. The new bill reads:

"Protected area" means the premises occupied by:

- (A) any licensed day care or preschool facility,
- (B) a swimming pool that is open to the public,
- (C) a public or private primary or secondary school that is not on the grounds of a correctional facility,
- (D) a community park that is open to the public,
- (E) a playground that is open to the public, including those areas designed to provide children space, recreational equipment, or other amenities intended to allow children to engage in physical activity, and protected area is a licensed day care or preschool facility.

HB 344 also provides that someone with sexual offenses against a minor may not live within 1000 feet of a victim if the offender is subject to victim requested contact restrictions. However, "Protected area" does not include the area described in other sections of the law if the victim is a member of the immediate family of the sex offender; and the terms of the sex offender's agreement of probation or parole allow the sex offender to reside in the same residence as the victim.

It reads, “The sex offender is subject to a victim requested restriction if:

- (a) the sex offender is on probation or parole for an offense that requires the offender to register in accordance with Title 77, Chapter 4, Sex and Kidnap Offender Registry,
- (b) the victim or the victim's parent or guardian advises the Department of Corrections that the victim elects to restrict the sex offender from the area and authorizes the Department of Corrections to advise the sex offender of the area where the victim resides, and
- (c) the Department of Corrections notifies the sex offender in writing that the sex offender is prohibited from being in the area where the victim lives and provides a description of the location of the protected area to the sex offender.”

It further mandates that person with a registerable sexual offense against a minor may not be in a protected area except:

- ☐ when the sex offender must be in a protected area to perform the sex offender's parental responsibilities (*UPAN NOTE: This legislation does not define parental responsibility. It is defined by each county attorney*),
- ☐ when the protected area is a public or private primary or secondary school and the school is open and being used for a public activity other than a school-related function that involves a minor, or
- ☐ if the protected area is a licensed day care or preschool facility located within a building that is open to the public for purposes other than the operation of the day care or preschool facility; and the sex offender does not enter a part of the building that is occupied by the day care or preschool facility, or
- ☐ serve as an athletic coach, manager, or trainer for any sports team of which a minor who is less than 18 years old is a member.

Any violation of these restrictions will result in a class A misdemeanor.

“Our greatest glory is not in never falling, but in rising every time we fall.” Confucius

Second Notice: Sharpen Your Pencils and Your Brain – Writing Opportunity for Inmates

To encourage more inmates to participate in a UPAN sponsored event, inmates are encouraged to write (in English) a story, article, etc. The categories for judging are: fiction, non-fiction, memoir (your personal experience), rhyming poem, and free verse poem (non-rhyming). **Or a special category called CJS-Prison-Jail Complaints.**** Limit three submissions total per inmate. Select one or a mix of the categories. Write the category at top-right of page 1 of your entry. Article writing (fiction, non-fiction, memoir) limited to about 1,500 words (5 or 6 handwritten sheets – you don't have to count every word), poems (both rhyming and free verse) limited to 100 lines each. Mail in one or subsequent envelopes when you wish to submit.

Submission/Postmark Deadline: Wed. July 1, 2020

Certificates awarded in Sept. 2020 in each category. No judging or competition between inmates. Subject matter and writing presentation (grammar and spelling **NOT** a serious consideration – as the reader, I will cut you a lot of slack here). I'll issue a certificate for CJS-Prison-Jail Complaints category; also **no word count limit** in this category, however book-length complaints are frowned upon. (Save some for next year.)

Submissions are **NOT** guaranteed to be published in the UPAN Newsletter. We don't have enough space; **however**, we may publish a booklet with many of the' submissions upon your approval. Let us know of your approval with the submission, okay? Writer's names

will definitely be confidential in CJS-Prison-Jail Complaints category (**Guaranteed!!**). Thanks for your participation and best wishes toward building your

confidence, venting some frustrations, and having a little fun. Ed.

Submit to: UPAN Writing Exercise, P.O. Box 1018, Pleasant Grove, UT 84062. (Please DON'T send to UPAN's Draper P.O. Box address. That will complicate and delay things. Thanx, you do good! Ed.)**If you're a newbie, CJS is Criminal Justice System. Ed.

UPAN Writing Exercise Theme Song: Yakety-Flak, My Feedback

By Warren Rosenbaum (aka Ed.)

Explanation of title and chorus: **Yakety** is lots of words, **flak** is opposition, strong criticism, **feedback** is a response.

NOTE: Sing the lyrics to the tune of Yakety-Yak, Don't Talk Back, recorded by The Coasters (late 1950s). **Here's two verses as a reminder to get you started:** 1) You just put on your coat and hat, And walk yourself to the laundromat, And when you finish doin' that, Bring in the dog and put out the cat, Yakety-yak (Don't talk back) 2) Don't you give me no dirty looks, Your father's hip; he knows what cooks, Just tell your hoodlum friend outside, You ain't got time to take a ride Yakety-yak (Don't talk back). Now use that tune to sing the following lyrics. Sing, hum, enjoy, or ignore. Ed.

Sharpen my pencils and my brain,
My writing will not be in vain;
I may not be a writing whiz,
Well, I'll just tell it like it is.
Yakety-flak, my feedback.

A poem or essay I'll produce,
Old writer's block is no excuse,
I'll start by simply writing down,
What I recall of my hometown.
Yakety-flak, my feedback.

I'll write my memories of this place,
A frown may come upon my face;
But when you see my great big smile,
You'll know I've found my writin' style.
Yakety-flak, my feedback.

I find that writin's lots of fun,
Sure is easy when once begun,
My writing skill's a big surprise,
With UPAN's Writing Exercise.
Yakety-flak, my feedback

"Do what you can, where you are, with what you have." Theodore Roosevelt

A Couple of Smiles and Maybe a Laugh

What did the green grape say to the purple grape? Breathe man, breathe! ~~ I saw a movie about how ships are put together. It was riveting. ~~ Where do hamburgers take their sweethearts on Valentine's Day to dance? The Meat Ball. What did the peaceful, happy tire say? I'm not looking forward to the next revolution. ~~ How about a bonus smile?

A District Attorney was having trouble with a witness, a pugnacious old man. "Do you know any of the jury?" The old man said, "More than half." The DA asks, "Are you willing to swear that you know more than half of them?" The old guy quickly glances at the jury box, then drawled, "I'm willing to swear I know more than all of them put together."

When it comes to spring, May is the thing. June is like a lovely tune. July is when we fry. But inmates are hip and will weather this trip cause we've got a grip, while we're always staying cool. Good job! Ed.

"We have a chance to change who we were and what we accepted as life.

Isolation has taught us that there is more to life than greed and self idolization. If we don't change, then who will we have to blame, except ourselves?" — Anthony T. Hincks (commenting on COVID-19 self quarantine)

Utah Prisoner Advocate Network

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(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