



# UPAN Newsletter

Volume 8 Number 7 | JULY 2021

*“Empowerment and Growth Through Knowledge and Unity”*

\* \* \* \* \*

## Correction to Verbal Health Info Procedures – Intro to BOPP, Part 1 Changes in Payment & Collection of Crim Fines, Fees, Restitution

### *Timely Timpanogos Topics*, Job Search Etiquette (for men also)

\* \* \* \* \*

**August 9, 2021 Meeting Location:** Virtual - Zoom Registration **Topic:** Family meeting. Topics will be determined by participants. Free and open to the public. Virtual Zoom Meeting – link is <https://bit.ly/2UJ2RA3>

**UPAN continues virtual meetings at this time. Also available, as usual, on our Facebook page afterwards. All UPAN Meetings and those posted on this page are free and open to the public.**

<b><u>In This Issue:</u></b> Meeting Announcements, UPAN N/L contents in this issue and UPAN Disclaimer	Page 1
Inmate Locations and Helping Our Newsletter Volunteers by Deon Corkins	Page 1
» <b><u>Correction to June Article on Authorization to Verbally Discuss Health Info Form</u></b> M. Prince	Page 2
New Sentencing Commission Executive Director by Faye Jenkins	Page 3
» <b><u>Introduction to the Utah Board of Pardons &amp; Parole – Part 1</u></b> by Molly Prince	Pages 3-5
» <b><u>Recent Changes to the Payment and Collection of Criminal Fines, Fees, and Restitution</u></b>	Pages 5-7
» <i>Timely Timpanogos Topics</i> , Job Search Etiquette Tips ( <u>Valuable to all</u> ) by Gayle Dawes,	Page 8
Some Tidbits Of Wisdom Collected Along The Way by Warren Rosenbaum (aka Ed.)	Pages 8-10
Sorting (a free verse poem) by Dave Donaldson and A Couple of Smiles and Maybe a Laugh	Page 10
List of UPAN Directors/Officers and UPAN Addresses/Contact Info (also our Facebook page)	Page 10

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

**Stay away from negative people, they have a problem for every solution. Albert Einstein**

### **Note to Incarcerated Persons & Newsletter Volunteers**

Request by Deon Corkins,

Our incarcerated loved ones are bounced around between IPP jails, the two prisons, and parole like so many lost socks. If you are a prisoner and receive the newsletter from one of UPAN’s dedicated volunteers (as opposed to your own family or friends), please notify UPAN as soon as possible by sending a letter or postcard to us updating your new address at UPAN Newsletter, PO Box 464, Draper, Utah 84020.

If you are one of our amazing newsletter volunteers who mails to inmates who have no family in the community to

send to them, we are reminding you to check the location and incarceration status of all the people on your list prior to sending each month’s newsletter out.

To do this, go to [www.corrections.utah.gov](http://www.corrections.utah.gov) and click Offender Search to get to the page to search each inmate on your list.

Please send an email describing changes to UPAN’s Newsletter Volunteer Coordinator at [deon.corkins@utahprisoneradvocate.org](mailto:deon.corkins@utahprisoneradvocate.org)

## **Correction to June's Article: Authorization to Verbally Discuss Health Information Form**

by Molly Prince

UPAN's June 2021 newsletter reprinted an article that has been reprinted several times since the original article was published in the June 2015 UPAN Newsletter. UPAN was contacted by the Administrative Director of Clinical Services Bureau (CSB) Tony Washington that there was an error in the section about how the process works once the incarcerated person fills out the Authorization with their caseworker. We are reprinting a corrected version with some new information here. Note that the error was in step #4 on how the process works for inmate and third party.

Due to the COVID pandemic and continued contained various outbreaks in our jails and prisons, it is important that everyone involved in Utah's prison system - including families - understand that this document is available and make sure they get it put into place so a designated family member can talk to prison Medical about their loved one's health issues.

**History.** After much urging from UPAN, in 2015 the Utah Department of Corrections developed an "Authorization To Verbally Discuss Health Information" form and procedure for the incarcerated to use when they want to give a third-party person permission to speak with the Clinical Services Bureau (aka Medical) about their health information. What this means is that the third-party person would be a family member or friend outside of prison, not in the medical profession. The inmate identifies them on the Verbal Authorization Form, which is available to all residents of CUCF and USP through their Case Managers.

**How The Form Is Accessed.** UPAN has been told that the form has been posted on the UDC's internal website, where Case Managers may access it and print it for inmates to fill out and sign.

**Its Use Is Limited To Verbal Discussions.** It is to be used ONLY to grant permission for verbal discussions about an inmate's health situation between a Medical staff member and the identified third party representative (family member or friend). Only the person listed on the form can talk to Medical about that inmate's health situation.

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

**How It Works Internally.** A Family Line Coordinator at the CSB will handle calls from the designated family member about an inmate's medical situation.

### **How It Works For Inmate And Third Party.**

1. The incarcerated individual requests the form from Case Manager, who prints it out for that individual.

Medical staff may also request the forms from the Case Manager upon request.

2. Inmate fills out the form which identifies the name of the third party being designated, including a phone number where they can be reached so the prison could contact them, and returns completed form to Case Manager.

3. The Case Manager notarizes this form and submits it to the Clinical Services Bureau.

4. Once the CSB (Medical) receives the signed release from the Case Manager, families and designated persons may call the family line. The number is 801-576-7114. Amy is the Family Line Coordinator.

5. Each authorization is good for only 90 days. If a person has an ongoing or chronic medical conditions, they 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 incarcerated person, not the designated third-party representative, to renew the authorization in a timely manner.

Please note that over the years UPAN has requested several times for UDC to change the renewal requirement to at least be once a year rather than 4 times a year with the every 90 day requirement. UPAN submitted a new form for consideration that would not need a notary or renewal any more frequently than once per year last November. Dir. Washington has recently informed UPAN that after review by the legal team it was decided that "the form needed to encompass 90 days maximum and be notarized."

**It is important that the incarcerated person keep it updated.**

Dir. Washington informed me that the process to get the Verbal Authorization signed and returned to Medical typically takes 2 – 3 days. Families may call the family line (see #4 above) to follow up on this process.

If the prisoner has a problem accessing the form, they can file a grievance. Dir. Washington stated that it is easier for Medical to contact the Case Manager than having family members contact the Division of Programming asking for the case managers to provide the form to the incarcerated person. (Programming is the entity that case managers fall under).

We urge incarcerated individuals to get these releases filled out NOW and make sure they renew them every 90 days in case of any medical emergency. This allows designated family members to receive answers about their health and well-being from the prison medical service. Without this release, the prison will not disclose information on the health or medical issues of any incarcerated person due to confidentiality laws.

## **New Executive Director for the Sentencing Commission**

By Faye Jenkins

Utah's Sentencing Commission has a new Executive Director. Daniel Strong recently replaced Monica Diaz, who was appointed by Governor Cox to fill a vacancy as a 3<sup>rd</sup> District Juvenile Court Judge.

Monica had been serving as the Director of the Sentencing Commission since 2020 when she replaced Marshall Thompson, who became one of the fulltime members of the Board of Pardons and Parole. I personally appreciated Monica's work in the Sentencing Commission in regard to sex offender issues and her support for risk-based registration laws. The support of the Sentencing Commission helped pass legislation earlier this year which allows all lifetime registrants the opportunity to petition a judge for removal from the registry after 20 years in the community, based on their assessed risk of future re-offense.

According to Dan Strong's Linked-In page, he comes with a strong prosecutorial background. He was an Assistant Attorney General and Special Assistant United States Attorney for the State of Utah. In the Attorney General's office, he was the Section Director for the SECURE section which focused on the prosecution of human trafficking, identity fraud, firearms, drug trafficking, and other serious offenses. For balance, he also worked in Salt Lake City as a defense attorney early in his career.

The Sentencing Commission is one of the Divisions of the Utah Commission on Criminal and Juvenile Justice (CCJJ). "The [Sentencing] Commission has the statutory responsibility to advise the Legislature, the Governor, and the Judicial Council regarding sentencing and

release policy for adults and juveniles who have committed crimes. The Commission is also responsible to develop sentencing guidelines for adults and juveniles who have been convicted or adjudicated." <https://justice.utah.gov/sentencing/>

"Utah's Sentencing Commission consists of twenty-seven statutorily delegated and appointed members representing all facets of the criminal justice system including judges, prosecutors, defense attorneys, legislators, victim representatives, law enforcement, treatment specialists, ethnic minorities, corrections, parole authorities, juvenile justice representatives, citizen representatives, and others." <https://justice.utah.gov/sentencing/members-sentencing/>

I recently had the opportunity of meeting Dan in a Sentencing Commission sub-committee meeting. My impression of him is that he will provide balanced leadership in addressing the criminal justice issues the Sentencing Commission takes on, even though he recently worked in the Attorney General's Office. The Sentencing Commission's strength comes from the diversity of the members' backgrounds. The members discuss the pressing issues that are identified as needing improvement in Utah's criminal justice system. Their recommendations are then passed on to the full CCJJ which helps guide legislators in modifying (hopefully improving) Utah's criminal laws.

I warmly welcome Dan Strong to the Sentencing Commission and hope to see continued improvements to Utah's criminal justice system under his leadership.

### **Introduction to the Utah Board of Pardons & Parole – Part 1 of a series**

Adapted by Molly Prince from an unpublished document created by the Community Outreach Committee for the Board of Pardons and Parole & information directly from the BOPP website [www.bop.utah.gov](http://www.bop.utah.gov)

*UPAN has been an original member of the Outreach Committee for the Utah Board of Pardons & Parole (BOPP) which was formed by former Administrative Director Greg Johnson after the Legislative Audit of the BOPP was released in February 2016. Other organizations that have consistently been involved in this committee, designed to address issues that are related to Utah's BOPP, include the ACLU of Utah and the Disability Law Center. Involvement in the Outreach Committee and contributions to this document over the years have included Journey of Hope and Fresh Start Ventures.*

The Utah Board of Pardons and Parole (Board) is the agency created and authorized by the Utah Constitution (Utah Constitution Article VII, Section 12) to make parole, prison release, commutation, executive clemency, and pardon decisions.

#### **How the Board is organized.**

There are five official board members appointed by the Governor with the approval of the Senate, serving five-year terms. The Board has ultimate authority over parole and pardon determinations. All release decisions are by majority vote of the five Board members. The

Board has ultimate authority and jurisdiction over all individuals committed to the custody of the Utah Department of Corrections.

Additionally, the Board employs ten hearing officers who are not board members but who conduct parole hearings on behalf of the board. Hearing officers do not have ultimate authority to make parole decisions. Rather, hearing officers submit their recommendations about release, re-hearings, and parole requirements to the official Board Members. Board members then make the final determination.

### **Authority of the BOPP.**

The Board is the only entity in Utah responsible for making decisions regarding release from prison and under what terms and conditions any such release will take place. The Board has the authority to commute or reduce sentences; determine or adjust restitution, fines and forfeitures; terminate the sentence of an inmate or parolee before or short of sentence expiration, pardon offenders (except in cases of treason or impeachment); issue warrants of arrest for parole violations, determine consequences for parole violations, revoke parole and return parolees to prison; and conduct evidentiary hearings.

Utah's indeterminate sentencing system offers the Board broad discretion to make determinations about your actual length of stay in the custody of the Utah Department of Corrections, as well as the conditions of your release or parole. While the State does provide some sentencing guidelines (through the Utah Sentencing Commission), the Board is allowed to make decisions outside those guidelines, at any time, on a case-by-case basis. This means that individuals who have similar court dispositions (were convicted of similar crimes, with similar sentencing guidelines) may receive very different decisions from the Board regarding release, re-hearings, parole requirements, and overall length of stay.

### **The Role of Corrections in Board Processes or Release Decisions.**

While the Board works closely with The Utah Department of Corrections (Corrections), it is a separate and distinct agency. Corrections does not have any control over the decisions of the Board. The Board has no authority to direct where you are housed in the prison system including the Inmate Placement Program. The Board has no authority to grant admission to specific programming. In the cases where a sex offense was committed, the Board may identify those individuals they feel should be placed in treatment, but Corrections will determine when and if you are eligible for entry into the program.

Based on limited bed space in various treatment programs, Corrections may not be able to accommodate such placement in the prescribed time frame or before you are released. Such programming will then become part of your parole agreement.

Likewise, the Board will not intervene on issues of supervision on parole. Conflicts arising with the assigned parole officer must be resolved through the chain of command in the Adult Probation and Parole region where the individual is supervised. If there is conflict regarding a specific condition of parole, the offender may petition the Board for a review of that condition, but the Board will seek input from the parole officer before deciding upon any modification.

Source: <https://corrections.utah.gov/index.phpoffender-resources>

### **Board Hearings.**

The Board conducts personal appearance hearings in order to consider your sentence(s) for the first time, and may also use the hearing to consider whether your release is appropriate and to review or determine your readiness for release. Hearings are held at each prison's parole hearing room. (This was changed to video hearings during the COVID-19 pandemic). The Board member or hearing officer conducting the hearing sits in the front of the room facing you and the public. You will sit closest to and facing the hearing officer/Board member. You will sit with your back toward the public and be instructed to not ever turn yourself to face the public. Members of the public are seated at the back of the room.

If the victim or the victim's family is present to give testimony, they have the option of speaking with you present or to have you escorted out of the hearing room prior to their testimony. If you are removed from the room during the victim's testimony, you will be able to hear the victim's complete testimony and respond to the testimony upon returning to the room.

At the end of the hearing, the victim and his or her family (if present) are escorted out of the room first. Only when they have left can you turn and talk to family and friends, if directed by the hearing officer or Board member.

By law, the Board creates a record of all public hearings and dispositions and keeps them for seven years. The records may be purchased by providing the Board office with a written request. If you prove that you are unable to purchase the record, the Board will give the record to you free of charge. This record request can be initiated through a GRAMA request. GRAMA is the Government Records Access and Management Act.

### **Board decisions.**

Generally, Board decisions are final, not able to be appealed, and not subject to review by a judge. You may appeal Board decisions if you believe your due process rights were violated, or through following Habeas Corpus post-conviction procedures.

### **Hearing Schedules.**

The Board must notify you of the proposed original hearing (first appearance) within 6 months of your arrival at the prison. Board Administrative Rule R671-201 lists conditions for scheduling the proposed original hearing. The types of hearings are summarized below.

### **Original Hearings.**

Each imprisoned person whose sentence carries the possibility of parole has the right to a personal appearance before the Board at some point during his or her sentence to determine whether a parole or other disposition short of sentence expiration will be granted. These Original Hearings are scheduled as follows:

**Death cases.** In cases where a life has been taken, the Board will review each case and schedule the original

hearing based upon the unique facts of the case. (Once a person is committed to prison for such a conviction, the case will be reviewed by the Board as soon as practical for a determination of the month and year for their original hearing. The Board will only consider information available to the court at the time of sentencing.)

**First degree felony convictions (where a life was not taken).** If the most severe sentence imposed is: More than fifteen years to life, the original hearing will be scheduled after the service of fifteen years.

10 years to life, or 15 years to life, the original hearing will be scheduled after the service of seven years. If the most severe sentence imposed is less than ten years to life, the original hearing will be scheduled after the person serves three years.

**For sex offenses,** third degree felony convictions will be scheduled after the service of twelve months; and second-degree felony convictions will be scheduled after the service of eighteen months.

**For all other offenses,** original hearings are scheduled for third degree felony convictions after the service of three to four months; and for second degree felony convictions after the service of six months.

Unless the Board schedules your case for an administrative review in order to set a hearing, the original hearing will be scheduled by taking into account the type of offense (sex offense or non-sex offense) and the length of the most severe sentence imposed by the Court. Sentencing enhancements and/or consecutive sentencing will not affect the timing of your original hearing. The timing of your original hearing is measured from the date of your admission to prison.

## **Recent Changes to the Payment and Collection of Criminal Fines, Fees, and Restitution**

By Faye Jenkins

### **First, a Summary and Conclusion**

Made evident by this bill, the state legislature is trying to remove excessive financial penalties for people who are already disadvantaged due to their incarceration and past criminal records. Previously, criminal penalties would compound exponentially as a person is incarcerated and unable to pay their debts. In many cases, the debt grows so large there is no legal way to pay the debt within one's lifetime. Now there is hope for forgiveness of excessive debts for those who work hard to pay what they can afford during parole or after terminating their sentence. These solutions may not be perfect for everyone's individual situations, but overall, it provides hope that there is light at the end of the financial debt tunnel as one completes their sentence.

H.B. 260, sponsored by Rep. Karianne Lisonbee and Sen. Michael Kennedy, **went into effect July 1, 2021.** It is a **comprehensive overhaul** of Utah's criminal justice code regarding the order, collection, and payment of fines, fees, and restitution.

The legislature has recognized for many years the unreasonable burden excessive fines and fees (compounded by accumulating interest, service charges and penalties) place on people who are unable to pay due to incarceration and lack of employment during and after their incarceration. The domino effect also negatively impacts recipients of restitution and child support orders as a formerly incarcerated person's small income is divided between so many needs and responsibilities.

A few changes in the law include clarification of processes, the order of payments, (restitution comes first), controls accumulating interest while a person is incarcerated, and opens a door for a person who is truly trying to get back on their feet and be responsible to

petition to the courts or the Board of Pardons and Parole for mercy and forgiveness on the unpaid balances as their sentence terminates. As I attempt to explain the recent changes to the law, please realize I am not a lawyer and am only sharing my understanding as I read the newly implemented Utah Code. Most of this article comes directly from the text of the Code.

### **Criminal Accounts Receivable**

At the time of sentencing, or according to the conditions set in a plea of abeyance, the court shall enter an order to establish a criminal accounts receivable for the defendant. This account includes the fines, fees, and restitution the defendant is ordered by the judge to pay. If no fine, fee, or restitution is ordered at sentencing, there is a provision for restitution to be ordered at a future date prior to terminating one's sentence.

### **Restitution**

The new law puts priority on discovering and ordering restitution prior to the termination of one's sentence. Law enforcement investigating the case, prosecutors filing criminal charges, and AP&P officers creating the Pre-Sentence Investigation (PSI) report are all responsible for gathering information from the victim(s) regarding any and all estimated financial damages resulting from the criminal behavior of the defendant.

The sentencing court is responsible for determining and ordering a defendant to pay restitution, which becomes part of the criminal accounts receivable. If restitution has not been ordered at the time a person is considered for parole by the Board, the Board will ask the court to see if there is a need for restitution.

The following new rules regarding restitution apply to those who are sentenced after July 1, 2021.

- If no restitution is ordered at the time of sentencing, the court will schedule a restitution hearing, unless the prosecutor certifies that he/she has consulted with the victim(s) and the Utah Office of Victims of Crime, and no restitution is owed.
- The court must enter an order of restitution before the earlier date of either the termination of a person's sentence, or within seven years of the day when a person is sentenced if convicted and imprisoned for a first-degree felony, within 3 years if convicted for other felonies, or 1 year if convicted for a misdemeanor.

If the defendant objects to the order of restitution, they may express concerns with the order at the time of sentencing or they may make a written request to the court within 20 days of notice for a restitution hearing to voice their objections.

#### **Payment of Debts**

If a defendant is ordered to prison, and the prison sentence is not deferred in favor of probation, the defendant is given the day of sentencing to pay the ordered payments directly with the courts. Otherwise, the criminal accounts receivable for the defendant is transferred to the Office of State Debt Collecting (OSDC) for processing and collection of payments.

All other criminal accounts receivables are managed by the courts. The court will also establish a payment schedule for the defendant that will consider:

- the needs of the victim if the criminal accounts receivable includes an order for restitution
- the financial resources of the defendant, as disclosed in the financial declaration
- the burden that the payment schedule will impose on the defendant regarding the other reasonable obligations of the defendant;
- the ability of the defendant to pay restitution on an installment basis or on other conditions fixed by the court;
- the rehabilitative effect on the defendant of the payment of restitution and method of payment; and
- any other circumstance that the court determines is relevant.

If a defendant is sentenced before July 1, 2021, and the Department of Corrections or the Office of State Debt Collection is not responsible for collecting an accounts receivable for the defendant, the district court shall collect the accounts receivable for the defendant.

#### **Suspension of Debts**

If a defendant is incarcerated either in the county jail or a state prison,

- all payments for a payment schedule shall be suspended for the period of time that the defendant is incarcerated or involuntarily committed, unless the court or the board expressly orders the defendant to make payments according to the payment schedule; and

- the defendant shall provide the court with notice of the incarceration or involuntary commitment.

The suspension of payments remains in force for 60 days following the day the defendant is released from being incarcerated.

#### **Forgiveness of Debts**

At any time prior to the termination of one's sentence, the defendant may petition the sentencing court, to modify the payment schedule, or remit, in whole or in part, an unpaid amount of the defendant's criminal accounts receivable that is not the principal amount owed for restitution. The defendant may also petition the Board to modify the payment schedule when under jurisdiction of the Board of Pardons and Parole.

**“Criminal accounts receivable” includes unpaid fees, forfeitures, surcharges, costs, interest, penalties, restitution, third party claims, claims, reimbursement of a reward, and damages.**

Within 90 days after the termination of one's sentencing, the defendant may petition the sentencing court or the board to remit, in whole or in part, the unpaid amount of the criminal accounts receivable. In deciding to remit an unpaid amount of a criminal accounts receivable, the court, or the Board, shall consider:

- whether the defendant has made substantial and good faith efforts to make payments on the criminal accounts receivable;
- the needs of the victim;
- whether the remission would further the rehabilitation of the defendant;
- the ability of the defendant to continue to make payments on a civil accounts receivable; and
- any other factor that the court or the board determines is relevant.

#### **Civil Accounts Receivable and Civil Judgement of Restitution**

A “civil accounts receivable” is any amount of the criminal accounts receivable that is owed by the defendant that has not been paid on or before the day the defendant's sentence is terminated or when the court enters an order for a civil accounts receivable.

A “civil judgement of restitution” is any amount of the criminal accounts receivable that is owed by the defendant for restitution that has not been paid on or before the day on which the defendant's sentence is terminated.

When a person's sentence is terminated, the Board will provide an accounting of the unpaid balance of the defendant's criminal accounts receivable to the court if the defendant was on parole or incarcerated at the time of termination. Within 90 days after the day on which a defendant's sentence is terminated, the court shall:

- enter an order for a civil accounts receivable and a civil judgment of restitution for a defendant on the civil judgment docket; and
- transfer the responsibility of collecting the civil accounts receivable and the civil judgment of restitution to the Office of State Debt Collection.

A criminal accounts receivable may also be referred to the courts for a civil accounts receivable judgement if more than 90 days late in payment. This does not apply to those who are incarcerated - no payments are due while a person is incarcerated.

### **Responsibilities of the Office of State Debt Collecting (OSDC)**

OSDC has the overall responsibility for collecting and managing state receivables. The “accounts receivables” they manage are subject to high interest and fees. These accounts include “civil accounts receivables” and “civil judgement of restitution” sent to OSDC after a person completes their sentence or due to defaulting on payment for more then 90-days. **OSDC’s “accounts receivables” do not include the “criminal accounts receivables”** OSDC is required to manage due to a person being sentenced to prison. The criminal accounts receivables are NOT subject to the same interest and fees imposed upon the other “accounts receivables” manage by OSDC.

The new law specifically states OSDC may not impose an interest charge on criminal accounts receivables or accounts subject to a post-judgment interest rate.

Interest and fees assessed by OSDC are considered “penalties.” For civil accounts receivables and civil judgements of restitution, these penalty interest charges and fees begin the day the judge enters an order to pay a civil accounts receivable and a civil judgment of restitution. An order for a criminal accounts receivable is no longer in effect after the court enters an order for a civil accounts receivable or a civil judgment of restitution.

The order to pay a civil accounts receivable and civil judgment of restitution include the government’s right to create a lien on the defendant’s real property until the judgment is satisfied and may be collected by any means authorized by law for the collection of a civil judgment. (This means OSDC can garnish wages.) A criminal accounts receivable, a civil accounts receivable, and a civil judgment of restitution are not subject to the civil statutes of limitation and expire only upon payment in full. (This means these debts cannot be removed by bankruptcy.)

OSDC shall disburse money collected from a defendant for a **criminal accounts receivable** in the following order of priority: 1) restitution, 2) to the cost of obtaining

a DNA specimen from the defendant, 3) to any criminal fine or surcharge owed by the defendant, 4) to the cost owed by the defendant for a reward, 5) to the cost owed by the defendant for medical care, treatment, hospitalization, and related transportation paid by a county correctional facility, 6) to any other cost owed by the defendant.

OSDC shall disburse money collected from a defendant for a **civil accounts receivable** and **civil judgment of restitution** in the following order of priority: 1) to any past due amount owed to the department for the monthly supervision fee, 2) to restitution owed by the defendant, 3) to the cost of obtaining a DNA specimen from the defendant, 4) to any criminal fine or surcharge owed by the defendant, 5) to the cost owed by the defendant for a reward, 6) to the cost owed by the defendant for medical care, treatment, hospitalization and related transportation paid by a county correctional facility, 7) to any other cost owed by the defendant.

If a person makes a restitution payment to a victim or third party for a civil judgment of restitution or enters into any other transaction that does not involve the OSDC, that person needs to provide notice to OSDC and the prosecuting attorney within 30 days after the day on which the payment or other transaction is made. The payment may only be credited towards the principal of the civil judgment of restitution and does not affect any other amount owed to the OSDC.

### **Non-Payment**

If a civil accounts receivable or a civil judgment of restitution is delinquent or in default, the court may order the defendant to appear and show cause why the delinquency or default should not be treated as contempt of court under this section. To find the defendant in contempt, the court shall find beyond a reasonable doubt that the defendant:

- (a) was aware of the obligation to pay the civil accounts receivable or the civil judgment of restitution;
- (b) had the capacity to make a payment towards the civil accounts receivable or the civil judgment of restitution; and
- (c) failed to make a payment towards the civil accounts receivable or the civil judgment of restitution.

If the court finds the defendant in contempt, the court may impose sanctions of jail time and/or a financial penalty. Any jail sanction imposed for contempt under this section shall serve to satisfy the civil accounts receivable at \$100 for each day served. This does not apply to a civil judgement of restitution. A financial penalty may only become due after the satisfaction of the civil accounts receivable or the civil judgment of restitution.

*“Remember. All of our challenges and experiences give us opportunities to grow. The things we think we cannot survive, we somehow make it through. We have strength inside of us that we do not know we have. That is life.” Molly Prince.*

## *Timely Timpanogos Topics*

*While every single quote that we put in the newsletter applies to all people regardless of gender, here is a quote that is intended for women:*

**“A bird sitting on a tree is never afraid of the branch breaking because her trust is not on the branch but in her own wings. Always believe in yourself.” Anonymous** (Found and submitted to Ed. by Molly)

### **Job Search Etiquette Tips**

Submitted by Gayle Dawes

It's no secret that your behavior, manners, and actions at all stages of the job search process can determine whether you successfully land a job. No matter how impressive your resume is or how much relevant experience you have, it's important to maintain outstanding job search etiquette.

To make a positive first impression on the hiring manager and everyone else involved in the process, you'll want to put your best foot forward and present yourself as a highly professional candidate. To do that, you'll need to practice these basic job search etiquette rules.

**1. Notify References:** Be both polite and smart by asking people to serve as references rather than assuming they'd be happy to do so. Such contact provides the opportunity to mention any qualities relevant to the position you're seeking and to judge the person's attitude toward helping strengthen your candidacy.

**2. Mind the Time:** Being there on time for your scheduled appointment should be a no-brainer, but things like traffic, illness, and other unexpected events do happen on occasion. Notify the potential employer immediately in such instances. Also, watch the other end of the spectrum. Arriving more than 10 minutes early can throw your interviewers off track or force an unprepared staff member to figure out where to have you wait until everyone's ready.

**3. Turn Off Your Phone:** This pointer should be obvious, too, but employers still report applicants checking messages. Shutting your device completely off and putting it out of sight shows the importance of this meeting and your willingness to give it your full attention.

**4. Be Nice to Everyone:** Don't limit your best behavior to those who you think "matter." Especially in environments that value teamwork, how you treat the

receptionist reflects on you just as much as how courteous you are to the head manager.

Smile, shake hands, chat amicably, and use "please" and "thank you" all the time. If the interview itself has multiple participants, treat them all as equals by addressing everyone in the room and making eye contact.

**5. Avoid Getting Personal:** Even if you develop a great connection with the interviewer, don't mistake them for your new best friend (or your therapist!). Stay focused on the position at hand rather than venturing into how much you hated your last boss or why you can't wait to get out of your current job. Employers want upbeat applicants who are aware of what shouldn't be discussed—and what could even be illegal for employers to know.

**6. Resist Becoming a Pest:** It's perfectly polite to inquire about the next steps and when you can expect to hear back, but don't start hounding someone on Tuesday when they told you the earliest decision would be Friday. Stick to the agreed-upon time frame. When you do follow up on a job application, ask if it is a good time to speak. And if you get voicemail, be ready to leave a message (preferably one you've written out beforehand) rather than hang up.

**7. Send Thank-You Notes:** Keep your name top-of-mind and demonstrate genuine appreciation by writing thank-you notes to the individuals with whom you interviewed. If applicable, also send thanks to anyone who helped you get your foot in the door with a lead about the opening or perhaps an introduction. Your connections will feel good about being helpful, and you build a stronger network that will be there for you wherever your career path leads.

**Mind Your Manners:** As with everything in life, practicing good etiquette and minding your manners during your job search will help you stand out to potential employers.

***“You will never forget a person who came to you with a torch in the dark.” M. Rose***

### **Some Tidbits Of Wisdom Collected Along The Way**

Researched and submitted by Warren Rosenbaum, aka Ed.

#### **Something Or Someone Is a Failure? Rethink That**

Failure is not a fact, it is an opinion. Something that doesn't work out as planned is a stepping-stone toward achieving a goal. The stumble may be for a minor correction or may be for a major redirection; either way, it advances the person further on his or her life's journey.

#### **Your Self-Portrait and Its Importance**

Your self-portrait is how you see yourself. Your self-portrait decides your self-confidence. Stop seeing what you see as yourself and start seeing the competent and confident you. You will not act beyond the image you

have of yourself. You cannot outperform your own persuasion. (from the Wisdom Doctor, Mike Murdock.)

### **Good Advice to Remember and Pass On**

Winners expect to win. Winners see the opportunities; losers see the problems. Embarking on a journey to achieve a goal, a person seldom can see what is ahead or beyond the horizon. Go as far as you can – to the horizon – and when you get there, you can see farther.

### **Controlling Anger and Frustration**

In most cases, anger and frustration are because a person's expectations are not met. This can create feelings of some kind of pain or some type of emotion based on fear. Anger is always a secondary emotion, not primary, even though it can feel like the first emotion. When something doesn't go the way you expected, first stop and think what the real feeling is. Disappointment? Fear of something bad happening? Hurt? Disrespected? Those could be the primary emotions underlying the secondary emotion related to anger.

Rather than immediately giving into anger, recognize that your expectations were either too high for the situation or not realistic. Your expectations are yours alone, and you cannot control what other people do. If some rare occurrence befalls you, recognize that you didn't make allowances for the unusual or unexpected and keep your cool. High blood pressure and frazzled nerves, because of some incident (or person), are self-induced by your having expectations that were not broad enough to include the disappointing outcome. Broaden your expectations to include a wider range of outcomes. This is also good advice for those who tend to internalize their anger and pout. Or those who go immediately to feeling like a victim and only complain rather than figure out what they can change about their thinking about the situation to help themselves feel better. **Solution:** Adopt the mindset and attitude that you are flexible – you can handle changes in what you expected – these challenges are well within your ability to adjust to the new requirements. IOW, "I'm flexible, I can handle it. I have confidence in my ability to adjust to new situations." More self-talk can be "I have the strength and courage to face whatever comes my way today in the best possible manner." Because you do.

There is such a thing as "righteous anger" when rules or laws established by the culture are being violated. Such as when Jesus drove the money changers from the temple. He was enforcing a respect that was being violated. In other words, if someone cuts you off on the freeway, realize that people may have many reasons for driving without consideration for others. Some may simply be rude, inconsiderate drivers. Others may be in an emergency, have just heard bad news and are racing to a hospital. We do not know what causes other people to behave in a way that makes us feel unsafe or uncomfortable in any situation. Maybe just say a prayer for people like. Don't take it personally, as if they are purposely trying to upset or harm you. This may be a

more effective way to cope instead of flipping them off. (However, the latter is tempting! And I'm not perfect.)

### **Handling Unexpected or "Stupid" Questions**

I've been caught off guard and have been haunted by my inappropriate response to someone's startling or "stupid" question. I've observed and learned. First of all, in reality, no question is "stupid." If someone is asking, it is likely that they really do not know. It is presumptuous of us to think that everyone else has the same information or understanding of things that we do. It takes courage to ask a question when one does not know the answer, instead of pretending to be in the know. **The first response to ANY question should be, "That's a good question."** You are complimenting the questioner for thinking and seeking an explanation or answer. That puts the questioner in a safe mindset and gives you enough time to overcome your amazement or shock at a question you never would have expected.

Remember!! Every question is asked with sincerity in seeking an answer and often asked only of a trusted friend. Showing any amazement at the question is belittling the questioner and damaging the trust the questioner had in asking you. So, **"That's a good question"** is an important first response. No matter how simple or "stupid" the question might seem, the person asking is seeing you as the trusted person from whom an acceptable answer can be forthcoming. Control your amazement by answering with **"That's a good question"** first, thus keeping the trust that's been shown to you. Take time to answer the question with sincerity, as a serious instructor enlightening a friend.

### **Handling Unexpected Statements**

Friends often make statements about something that they are delighted about or pleased with that you don't see why they are delighted. Remember, you are a trusted person whom the statement declarer trusts for an agreeable response. If you are unmoved by the statement that the other is gushing about, agree with their delight such as "I'm glad to see you so happy" (or "delighted"). Stay in the agreement mode for their sake.

If you have some cautionary comments, hold them until they can be introduced diplomatically and without damaging the trust that person has placed in you by declaring the joy they feel. For example, they may have purchased an item that they are enthusiastic about. Stay with their enthusiasm even though your opinion or purchasing tastes are contrary to theirs. There will be time enough later to voice your opinion and insert some caution or negative information that you are aware of. And your "information" may be erroneous, so to keep the trust, insert your opinion with caution.

### **Handling Criticism, Especially the Hurtful Kind**

Criticism comes primarily from two sources: 1) from those who seem to have an ax to grind to excuse themselves from their lack of responsibility and their willingness to fault others (you) to soothe their own

shortcomings, or 2) from people who genuinely want to see you living a better life and their criticism is intended as an improvement. This is often called constructive criticism. The first is the most irritating because you are being made the scapegoat based on someone else's personality flaws.

Some people seem to love to find fault with others, thus making themselves feel superior and adding to their ego of being the more perfect person. This is easy to deal with. As you sense an onslaught coming on, immediately mentally place yourself above the complainer and you by seeing yourself as an observer from above the situation. Like you are suspended from the ceiling or are about 5 or 6 feet above this situation and you are observing a tirade by someone whose personality has the "finding fault" flaw. After they've vented, as an independent observer (and not the second party to whom the criticism is directed) you can respond with "That's an interesting observation, I'll give it some consideration." Then consider the source, the motive, and if invalid, ignore it. Don't let someone else's shortcomings ruin your day.

When someone gives you what is often referred to as constructive criticism, step back and rather than reacting defensively, negatively, or arguing with it, you can simply say, "Thank you for your thoughts." Or "I will consider that." Mentally take a time out to step back and think about why the person is saying whatever feels critical to you. If you are able to be openminded, you can ask questions of them to clarify their perceptions. You may even realize that what they are saying is valid and use that information to help you make changes or improve yourself.

### **Use These Tidbits to Smooth the Bumps in the Prison Journey.**

All of the above ideas are valuable to use in interpersonal relationships with others. Whether with loved ones, friends, cellies, officers, or anyone else, using the above tidbits to improve the way you think and interact with others can smooth some of the bumps in the prison journey.

### **Sorting**

By Dave Donaldson – Inspired by Seth Godin

We sort people all the time. Our culture prefers easy, useless sorting.  
Sorting like: Skin color. Gender. Disability status. Nationality. Religious background. Orientation. Height.  
While these are easy, and the result of long, long traditions, they're basically useless.

The alternatives? Love. Kindness. Expertise. Attitude. Skill. Emotional intelligence. Honesty. Generosity. Persistence. Willingness to take risks. Loyalty. Perceptivity. Attention span. Care. Self-awareness... The list could greatly expand.

It's a daily battle, an uphill climb to intentionally ignore the bad sorting that we were likely taught as kids. But this might be the most important work that we do today...and every day. The people we care about deserve it.

### **Couple of Smiles and Maybe a Laugh**

~~ What's the chance of a good college baseball pitcher getting to the big leagues if his last name is Strikeout? ~~  
~~ My friend Jack says he can communicate with vegetables. Jack and the beans talk. ~~  
~~ About 118 years ago, two brothers said it was possible to fly, And they were Wright. ~~  
~~ If April showers bring May flowers, what do May flowers bring? Pilgrims. ~~

Managing this prison journey daily, for years, both families and incarcerated – such strength! You're so cool! Ed.

\* \* \* \* \*

### **Utah Prisoner Advocate Network.**

Director, Co-Founder & Treasurer: Molly Prince  
Director of Communications: Shane Severson  
Director of Sex Offender Policy Issues: Faye Jenkins  
Director of Women's Issues: Gayle Dawes  
Director, Medical/Mental Health Issues: Wendy Parmley  
Director, Board of Pardons Issues: Ernie Rogers  
Director, Newsletter Editor: Warren Rosenbaum  
UPAN Volunteer Coordinator: An Bradshaw

Inmate Newsletter Volunteer Coord; Deon Corkins  
Holiday Card Program Coordinator: Audrae Rogers  
**Our Contact Information:**  
Utah Prisoner Advocate Network  
P. O. Box 464, Draper, UT 84020  
Website: UtahPrisonerAdvocate.org  
Email: Utahprisoneradvocate@gmail.com  
Facebook: Facebook.com/UtahPrisoner

**"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**