



## UPAN Newsletter Volume 8 Number 9 | SEPTEMBER 2021

*“Empowerment and Growth Through Knowledge and Unity”*

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### **Last Call, Holiday Card Contest – COVID Update – How to Get OUT! Intro to the BOPP, Part 3, Preparing for a Hearing – Employment in Timp- Paying Restitution While on Parole – Recommended Reading (Self-help)**

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**Next Meetings: October 11, 2021 6:30 p.m. Topic:** Family meeting. Free/open to public. **Meeting Location:** Virtual Zoom Meeting – link <https://bit.ly/2UJ2RA3> **Following meeting, November 8<sup>th</sup>** (last meeting of year) Zoom Registration link <https://zoom.us/meeting/register/tJlocOurrjgtGNA3koOUj21CaBonvIx-1q00>

**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.**

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

### **Christmas/Holiday Card Design Contest – For Inmates – UPAN 2021**

Note: Please mail submissions no later than, Friday, October 15, 2021

Incarcerated artists are encouraged to join UPAN in celebrating the 2021 Holiday Season. Share your talents in designing a Holiday Card in any of the following four categories: Religious, Traditional, Contemporary, or Humorous. (Or one in each category if you want – maximum of four submissions per inmate).

Winners in each category will be posted on the UPAN website and notified individually. People will be able to download, print, and mail the cards as holiday greetings to inmates and friends. Entries will not be returned. They will be retained and preserved with appreciation, respect, and care. On display for viewing and enjoyment at in-person UPAN Meetings.

**Important Notice For Artists:** Choose the size of the card to fit your design, 5½ x 8½ inches or 3 2/3 x 8½ inches (a ½ fold or a 1/3 fold of an 8½ x 11 inch paper). The original artwork can be any size (like 8½ x 11 paper or larger) and we will resize it to the size you specify. **Please sign your entry on the bottom right of your design.** Mail entries to: **UPAN Holiday Card Design Contest, P.O. Box 1018, Pleasant Grove, UT 84062** **NOTE:** this is **NOT** the UPAN Draper P O Box address shown on page 10 under “Our Contact Information.” Remember, mail on or before Friday, October 15<sup>th</sup>.

**“Take a moment to appreciate the people who never gave up on you.” Love Wide Open**

## **COVID-19 Update, September 9, 2021**

By Wendy Parmley, RN, MBA, updated by Molly Prince, LCSW

As we see rising COVID-19 cases in the community, it is to be expected that we would have increasing cases in our prisons and jails, especially among unvaccinated individuals. On September 2, UDC reported on their website that staff learned of several individuals in Oquirrh-2 who were exhibiting Covid-like symptoms. The unit was placed on quarantine and all individuals were tested, with seven individuals testing positive. UDC further reported that while 86% of individuals in at on that date at the Draper prison had been vaccinated, only 50% had been vaccinated in Oquirrh-2.

UDC further stated, *“Any incarcerated individual who exhibits symptoms outside the resources of our medical providers will receive care at a nearby hospital. Our medical staff are available 24 hours a day, seven days a week. In areas of an outbreak our medical staff have an active presence on those units at least twice a day to check-in with incarcerated individuals.*

*“...Any incarcerated individual that communicates any discomfort will be given access to medications required or any other treatment required.*

*“As a reminder, the only way to share an incarcerated individual's medical information with a family member is through an Authorization to Formally Discuss Health Information Form. Incarcerated individuals can request this form from their housing officer or case manager. We will continue to provide updates as information becomes available. If you have additional questions, please contact the Department's COVID-19 Hotline at 801-545-5505 or email [corrections@utah.gov](mailto:corrections@utah.gov).”*  
<https://corrections.utah.gov/index.php/home/alerts-2/1237-udc-coronavirus-updates>

As a reminder, vaccines continue to be our greatest tool to combat COVID-19. We are grateful for the past and ongoing efforts to vaccinate our incarcerated loved ones. As of the latest update on Sept. 9 2021, 88% of our loved ones in the Draper facility have received at

least one dose of the vaccine, and 78% at Central Utah Correctional Facility.

According to the State health department data, as of 9/7/2021, there have been a total of 36 outbreaks (up 2 from 8/2/21) with 4,291 individuals (up 221 from 8/2/21) who have tested positive in our jails and prisons, and 110 hospitalizations (up 8 from 8/2/21).

<https://coronavirus.utah.gov/case-counts/>

Per the UDC website, as of 8/30/21, there have been a total of 1,812 COVID-19 cases in Draper, with 18 active cases; and 1,122 total cases in Gunnison with 12 active cases. There are no active cases as of 8/30/21 in the Community Correctional Centers. There have also been a total of 468 staff who have tested positive for COVID-19 (up 47 since 7/12/21) with 6 staff positive for COVID-19 on 8/30/21.

<https://corrections.utah.gov/index.php/home/alerts-2/1237-udc-coronavirus-updates>

UPAN has been told that if anyone who chose to not get the vaccine when first offered earlier this year now wants to get it, they must put in an Inmate Health Care Request and it will be given to them.

UPDATE: As of September 18, 2021 during editing of this newsletter, we are very sad to share another death of a state inmate due to COVID. This time a 43 year-old who was in the Sanpete County Jail on Inmate Placement Program. Of the 71 state inmates in Sanpete, 32 individuals have tested positive for COVID-19. Also, on Sunday Sept 12, the Salt Lake Tribune had a lengthy article reporting on the 18 prison deaths due to COVID in Draper and CUCF, including investigative reporting by Fox 13 news reporter Nate Carlisle and Trib reporter Jessica Miller. They cited a CDC investigation into Utah State Prison system's failure to appropriately handle the COVID pandemic.

***If the people we love are stolen from us, the way to have them live on is to never stop loving them.***

***— James O'Barr***

### **Introduction to the Utah Board of Pardons & Parole –Part 3 – PREPARING FOR A HEARING**

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 which was formed by former Administrative Director Greg Johnson after the Legislative Audit of the BOPP was released in February 2016. Other organizations who 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 also included Journey of Hope and Fresh Start Ventures.*

**In-Person Hearings.** When you are housed under the jurisdiction of the UDC you have the right to be present at your parole hearing. During the hearing you may

speak, present documents, ask questions, and answer questions. If you waive your right to appear or refuse to attend the hearing, the Board may proceed with the

hearing and issue a decision without you present. If you are housed out-of-state, and have consented, your electronic appearance by telephone or video is permissible.

Due to COVID-19, in 2020, the BOPP started holding hearings on video rather than in-person. According to the Administrative Director of the BOPP, Mike Haddon, they are planning to move back to having some in-person hearings in Draper in September 2021. All hearings for death cases will be in-person in Draper. Hearings that involve an interpreter will likely be held in-person in Draper. He said they will continue to use the video hearing capability that the BOPP invested in during the pandemic for people not housed in Draper.

At the time of this article, the BOPP has almost accomplished a transition from the use of video conferencing platform Webex to Vidyo. The Board has also been updating the public website. The updating of the website is likely the reason that the BOPP website has been down on occasion in recent weeks.

**Hearing Packet (aka Blue Packet).** A packet should be provided to you 4-6 weeks prior to the scheduled Original Hearing or Rehearing. You have until 3 weeks prior to the hearing date to return the completed packet to the Board through your case worker. Please write or print legibly when filling out your Board packet. You should do a rough draft on different paper before completing the packet that you are going to return to the Board.

If you do not have enough room to answer a question on the lines provided within the packet, it is acceptable to attach additional pages with your answers. If you provide additional pages, please write the heading of the question on the additional page so it is easy for the Board to understand which question you are answering. Also you should note on the packet question to see additional pages for a complete answer to the question. People have tended to not fully answer certain questions if there is not enough space provided on the Hearing Packet. Remember – the only way the Board can get to know your perspective is to provide it in writing in that packet. While you will have a chance to speak at the hearing, people sometimes are nervous and forget to say everything they want in the hearing, but if it is in an official document such as the Hearing Packet, then it is in the permanent record for any Board Member to read.

If you are required to complete outpatient or continued care / aftercare treatment in the community for any reason (i.e. Substance Use or Sex Offender treatment) it is recommended but not required that you have a letter of acceptance from the treatment provider included with the packet.

**Preparing to Speak at Your Hearing.** You should come to your hearing prepared to speak about the changes you have made and how you plan to comply

with the stipulations of parole. Include information about your pro-social family and friend support in the community. Prepare by writing out what you would want to communicate to the board about the past offense, the current work you are doing, and your future plans to continue improving. Bring this written plan to the hearing and you can refer to it or read it to share the most important parts with the board member or hearing officer. You can also refer to your written notes as you are asked questions by the hearing officer.

**Prepare a Release Plan. A good release plan helps you transition back into the community and to successfully complete parole. Include information from each area listed below:**

### **RESIDENCE**

The Board will not parole people to homeless shelters. If you have difficulty finding a place to live, hopefully UDC Re-Entry team transition services will work with you. The best thing is to ask family or friends in the community to call around and find suitable housing that will be compatible with your parole stipulations based on your offense. For example, generally, you will not be allowed to live with or close to a victim. You will not be allowed to live with or around people who are involved in criminal activity. If you have no one to help you, it is possible you can be paroled to a community correctional center. Those people who are paroled to a community correctional center will then have the time to find a job and earn enough money to find their own stable living arrangements.

In many cases the decision to parole is made before a residence is approved. The Board is notified only if the residence is not approved. If a residence is not approved, it may result in a rescission (taking away your parole date) or a need to search for another address.

### **EMPLOYMENT**

The Board is concerned about your success in the community. Not having the ability to provide food, shelter, and other necessities can increase your risk of returning to prison. In addition, having stable employment is a positive factor. If you have any leads on a future employer, you can include this in your plan. If not, you can make your employment plan to apply through Dept. of Workforce Services as well as a wide variety of temporary service agencies to obtain a job and be able to support yourself. You can include in this part the skills you have, whether job skills you had prior to prison, or skills you have learned through vocational courses inside.

### **TREATMENT**

Include information in your release plan to present at the hearing about Mental Health treatment, stability, and or medication you will use to help you complete parole successfully. Include info specifically about what you will do if your first plan isn't working (have a plan B). For example, if you can't get into treatment for three

months, what will you do in the meantime to remain stable?

If you are required to complete outpatient treatment in the community for any reason (i.e. Substance Use or Sex Offender treatment), you should include in your plan who will provide the treatment and how you will be able to pay for it.

### **TRANSPORTATION**

Include information about how you will travel to treatment, work, or appointments. This could include using public transportation (bus or Trax) or if your family has someone who can drive you until you get your driver's license, or if your family has a vehicle you can use.

### **SUPPORT SYSTEM**

Include information about your support network in the community, who will be there for you. Who will help you avoid trouble and assist you in transitioning back to the community? What assistance do you need to succeed? List resources you can use to help you to become stable and meet all of your needs including if you will apply for Targeted Adult Medicaid to cover health and mental health care or substance abuse treatment costs; support from religious leaders and institutions; if you will attend support groups such as AA, NA, etc.

### **RELAPSE PREVENTION: PROTECTIVE and RISK FACTORS**

Addressing risk and protective factors is critical to success. Risk factors tend to increase the likelihood an individual will commit a crime. Protective factors help an individual stay out of trouble. Be prepared to share what you will do to prevent relapse into old behaviors. This means you need to be able to identify what strengths or protective qualities you have to overcome or change your risk factors. This is the opportunity to discuss the changes you have made and the skills you have to stay free of criminal thinking or criminal behavior.

#### **COMMON RISK FACTORS**

- Antisocial pattern of behavior
- Aggressive or harmful behavior to others
- Criminal history
- Exploitive and Manipulative Behavior
- Thinking Errors and self-control issues
- Acting without thinking of the consequences
- Disregard for the feelings and needs of other people
- Poor decision-making skills
- Lack of problem-solving skills

***“Life is not supposed to be painless... Joy and suffering dance together long into the night. Don't ever hide from them.” Sherlock, in The Irregulars***

“If you always do what you've always done, you'll always be where you've always been.” – T.D. Jakes

***“In order to empathize with someone's experience, you must be willing to believe them as they see it and not how you imagine their experience to be.” Brene' Brown***

- Unable to resolve conflicts without verbal aggression or violence
- Beliefs and values that support criminal activity
- Associating with friends that encourage anti-social behavior
- Poor quality family relationships that are chaotic with minimal or no expectations of prosocial behavior regarding crime and substance abuse
- Poor performance and engagement with work/school resulting in dissatisfaction and inability to provide for one's basic needs
- Limited or no pro-social leisure activities
- Abusing drugs or alcohol

#### **COMMON PROTECTIVE FACTORS**

- Improving Self-control & Decision-Making Skills
- Increased Problem solving & Conflict Resolution Skills
- Beliefs and values that support pro-social behavior
- Pro-social friends and environment
- Family relationships that are stable and support pro-social behavior
- Employment/Support that provides for the needs of the person and his/her dependents
- Not abusing drugs or alcohol, Engaging in Substance Abuse Treatment
- Relapse prevention including external supports to help overcome barriers and avoid risky situations
- Positive ways to spend time & healthy socialization
- Mental and physical healthcare as needed
- Programs/treatments that are responsive to person's learning style, language, gender, culture, disabilities, or other needs
- Care or therapy for trauma and adverse childhood experiences

#### **PAROLE COMPLIANCE**

Include information about what you need to comply with the conditions of parole including treatment, monthly payments, fines, supervision fees, ability to get to parole meetings, and how you will comply with any special conditions related to the type of offense you committed.

#### **VICTIM IMPACT**

- Identify your plan for paying restitution.
- How will you comply with a no contact order with the victim? If they are still connected with your life, such as a family member, how will you interact? Are you aware of the rules around contact with the person you victimized?

More information about what you can talk about in the hearing will be covered in another article.

## **How to Get Out of Prison**

### **Straight Talk on Preparing for the Board of Pardons Hearing**

By Ernie Rogers

In prison, wondering about your future? My heart aches for you. I know the sorrow of being in that awful place. Some of us know how to get out—listen to our advice.

**Indeterminate sentencing** In Utah, your sentence is handed down by the Judge but there is no set time that allows you to know when you will be released. Your sentence is a range of possibilities (from 0 to 5 years or 1 to 15 years, or 5, 10, 15 to a lifetime). A hearing officer and up to five Board members at the Board of Pardons and Parole decide how long you will be in prison. The hearing officer (who may be a Board member) is the only official that will be at your hearing. That person studies all the material in your Board file, listens to how you present yourself, and then makes a judgement on whether it's best for you to be released OR spend more time in prison. The hearing officer writes a short report to the five Board members with a recommendation of whether you should be paroled or kept in prison longer. And, 90% of the time, three members of the Board sign off on the report and your fate is sealed. (Depending on the case and the situation, the Board members may or may not ever see the entire contents of your file, and two may not even see the hearing officer's report if the first three voted in agreement.)

**It's all about you and your file** The outcome of your hearing is set by (1) first impressions, (2) what any victims say, and (3) what is in your file at the Board of Pardons. This file contains information from the prison including job evaluations, write-ups, behavioral issues, programming, and compliance with your Case Action Plan (CAP) goals. It will also have all the information that you send to the Board, that you want the hearing officer to know about.

As you go to the hearing, you will have prepared for months or years for this meeting. All present will see who you are as you enter. Look and be your best—stand and sit upright—you know who you are and you are prepared!

Besides the hearing officer (or Board member), only two people can speak—you and any victim. The person presiding over the hearing will talk to you a bit first, confirming who you are and why you are there. He or she may ask you a variety of questions for you to answer.

After opening remarks, the victim speaks first. (The officer may read a victim's statement aloud to those present.) Then it's your turn. The hearing officer will ask questions. Be direct, respectful, and pleasant. Never raise your voice. Speak only of facts that are evident or that you have evidence to prove. Never say you are innocent or wrongfully convicted—it will be held

against you. **EXCEPTIONS:** If the hearing officer asks, "Did you do (such-and-such)?", answer honestly—"No" is all right, but don't argue. You can say you are being truthful. If challenged, offer to take a polygraph. (I checked, it is perfectly legal and proper to be polygraphed if the Board chooses to allow it.) Your offer to take a polygraph could stand as evidence of your truthfulness.

The Board cannot re-try your case in a Board hearing. They can read and listen to the information you present which shows you are ready to parole—tell them about changes you have made during your prison time and if you completed your CAP goals. You have a right to make a prepared statement, and you must if you really want out. Write it out and send a copy to the Board before your hearing if you can. Read it word-for-word, it goes into the permanent hearing record. Keep it short—1000 words is about right. Cite supporting documents that were already sent to the Board. If you are not allowed to fully express yourself, it is my understanding that you have a right to appeal the Board's decision on the grounds that your due-process rights were violated. (The 14<sup>th</sup> Amendment to the U.S. Constitution guarantees this, and the Board has also set this standard for themselves.)

**Pack your BOPP file.** The prison staff are constantly writing reports to the Board and you can bet some may say how bad you are. We all know that negative C-notes are put into the electronic record-keeping system the prison has, but positive C-notes are much more rare. It is up to you to show the Board the good side. The hearing officer will read your file, and he will be glad to find positive accomplishments. Send your release and transition plan to the Board. And every time you complete a special class or do something you are proud of, send a note to the Board—they will put it right in your file for the hearing officer to read.

**Be the real deal.** Yesterday is gone, forget it. Start today to be the real person that deserves to be released. Be clean and neat, tell the truth, and follow the rules. Do all that is asked. Remember, not everybody in the prison wants you to succeed. Some will lie about you, steal your stuff, or try to get you in trouble. (Some guards included.) But you choose your focus—hold to peace—right thoughts, words, and actions. Look for the best, positive relationships. Workers in the prison that will give you great support and advice are the unpaid volunteers. Spend time with them. Encourage support from family and friends but don't "expect" anything. Write positive letters to them about how you are doing. When family and friends visit, be honest with them about your prison experience, but also try to make it a happy time and tell them you love them and miss them. Your family can attend your

hearing for support, and that is important to the hearing officer. Last of all, find time to help and support other people. I promise you that if you follow these prescriptions, you can find moments of joy in prison.

**Take time to learn.** Knowledge is power. Take classes—you know which ones fit you. Be sure to complete the classes in your Case Action Plan as soon as you can. “Real Transition” is a great course that may be offered soon in your location housing unit. Write to this address for info: Fresh Start Ventures, 560 South 100 West, Suite 13, Provo, UT 84601.

**Read books that build you up.** Here are two books I recommend:

***Daring Greatly*** by Brené Brown (Check in the library.)  
***Positive Communities The GOGI Way: The PowerUp GOGI Meeting Manual*** by Coach Taylor. (This new book may be available free to inmates when donor funding is available. For more information, write to: GOGI, PO Box 88969, Los Angeles, CA 90009. Internet address: <https://gettingoutbygoingin.org/>) Write to Property to assure you can receive this book directly from the publisher if offered at no charge. Check with the library for other How To GOGI books.)

***“Your journey is not the same as mine, and my journey is not yours. But if we meet on a certain path, may we encourage each other.” Unknown***

## *Timely Timpanogos Topics* - - **Changes in Employment for Women in Timp**

By Molly Prince

UPAN has received information from incarcerated women or their families that jobs have been taken away from the women in Timpanogos. This has become a significant concern for the impacted population in Timp, as it restricts their ability to pay for hygiene and other necessities. This creates stress, tensions build, and frustration abounds.

UPAN reached out to UCI Director Maria Peterson and Public Information Officer Kaitlin Felsted on July 24, and I had a phone conversation with Ms. Felsted shortly after that. We received more information in August.

**Culinary Services** is run by the Division of Prison Operations (which is part of UDC). It employed women in Timpanogos as well as men in Wasatch. Due to lack of supervisor staff in Culinary, the UDC has now consolidated and all food services will be provided through the Wasatch (men’s) Facility moving forward. I have seen recruitment advertisements in which UDC has attempted to hire more supervisors experienced in food service to be able to keep both kitchens open, but that has not been successful.

In addition, there remained a shortage of employees in Culinary in Timp. Ms. Felsted informed me that prior to the announcement of closure and consolidation, there

### **Today and Every Day—Prepare to see the BOPP**

The five members of the Utah Board of Pardons and Parole really do want you to succeed after release. If they believe you will do well, they can let you out. If you get out and then get into trouble, it makes them look bad—they hate that! Give them the positive facts showing you will succeed. Long before you see the Board, **write a detailed plan for your release and send it to the Board.** Tell how you will meet your basic needs: (1) Housing—have a plan, (2) Financial—a planned job is excellent, (3) Medical and emotional needs—get a letter of acceptance from an aftercare therapist if needed. (4) Transportation—give details, (5) Support system—explain who will help with your transition outside—these can include a mentor, your family, or church affiliation.

**Get this planner to help you write a great release plan** you can send to the Board, called “*Life Plan—Answering 10 Probing Questions, and My Plan.*” You can get a free copy by writing to Fresh Start Ventures, 560 S 100 W, Suite 13, Provo, UT 84601.

Okay, let’s get out. And, when you are out, come and help us advocate for others still in prison.

were 118 inmate positions open for the women, with an average of 60 of those positions filled at any given time.

UPAN was further told that both the Division of Prison Operations and Utah Correctional Industries are currently looking at potentially absorbing some of these positions. Ms. Felsted went on to say, “However, it’s important to note that there are no guarantees as privilege and security level requirements may be different depending on the position.”

**Correcting inaccurate information.** UPAN had been informed that earlier in 2021, there were about 20 or 30 women’s jobs lost when the sewing jobs were no longer being staffed by the women. **This information is incorrect.** Seven months ago, UCI opened a sewing shop at the Timpanogos Facility, which can employ up to 20 incarcerated women. PIO Felsted reports, “We have had great feedback about these positions.”

**Serving Time Cafe** closed during the pandemic. UPAN expressed concern to UDC about that loss which also took away incentives and real-life opportunities for incarcerated women to learn skills interacting in a cafe environment with the public to enhance their success upon parole. It will not re-open either at the Draper site or at the New Prison. UPAN sees it as a loss on so

many levels and asked if it would be re-examined at some point. We have been told that UDC and UCI do not anticipate reopening it at the new facility. The rationale seems to be that since the Café was staffed by five incarcerated women at any given time, it does not provide enough jobs to warrant the real-life experience it provides. UPAN was under the impression that those five women rotated after several months to provide opportunities for other female

inmates to have the same experience, so it was possible to have 10 or more women who were close to releasing benefit from that experience.

According to Ms. Felsted, there are 111 incarcerated women at USP in Draper with one or more jobs. That is only 8 less than were employed a year ago. She stated, "Looking at our records, there were 119 employed with one or more jobs on July 30, 2020."

*A couple of jokes from the Timp Team and for the Timp Team: I remember being able to get up without making sound effects! ~~ I had my patience tested. I'm negative! See you next month, Ed.*

"When you can't control what's happening, challenge yourself to control the way you respond to what's happening. That's where your power is." Unknown

## **The Challenges of Paying Restitution while on Parole**

By Molly Prince

For the past 25 years, I have worked with individuals who have been ordered to pay fines and restitution as well as those who accrued medical fees while incarcerated. They have been unable to pay court ordered amounts of child support while locked up. Then they get out of prison and find out that they have been charged penalties and interest on restitution and past due child support throughout their prison terms.

This article deals specifically with the restitution part. A new Utah law went into effect on July 1, 2021 which has a goal to relieve the addition of excessive interest, penalties, and fees on amounts of restitution which people who are releasing from prison and trying to rebuild their lives have been experiencing for many years. Please refer to the July 2021 UPAN newsletter for an article by Faye Jenkins detailing the new law which applies to people sentenced after July 1, 2021.

**Restitution is often ordered** by the judge at sentencing. If not, when it is time for parole, the Utah Board of Pardons & Parole (BOPP) can ask the court to order a restitution hearing to determine if restitution should be ordered. The new law requires the court to enter an order of restitution before the termination of a person's sentence (meaning by the time they are off probation or parole), or within seven years of the day of sentencing if the person is convicted and imprisoned for 1<sup>st</sup> degree felonies, and within 3 years if convicted for other felonies. The court is required to enter the order of restitution within 1 year of sentencing for misdemeanors.

This is an improvement, as prior to this new law, I have known of cases where someone spent 15 years in prison on a 1<sup>st</sup> degree felony and was never notified of restitution owed. Then, after parole, they find out they owe thousands in restitution including interest built up over all those years. Up until July 1st of this year, when the new law went into effect, interest and fees started

accruing while people were incarcerated and unable to earn enough of an income (if any) to reduce their debt.

**How to pay restitution.** If a person is ordered to prison and not given probation, that person has only the day of sentencing to pay the ordered court ordered payments (fines, restitution) directly to the courts. Otherwise, these outstanding financial obligations will be waiting for that person to pay them, either during incarceration or upon release from jail or prison.

Once paroled, the returning citizen will be expected to begin paying restitution.

Utah contracts with Access Corrections, which is an inmate accounting service based in St. Louis, Missouri. It is basically only a clearing house, rather than a true accounting service. It will collect supervision fees associated with being on probation or parole with the Utah Department of Corrections, currently \$30 per month. It will collect restitution as well as any debt accrued related to incarceration, usually medical co-pays that were not taken out of the person's inmate account by UDC Inmate Accounting office during that prison stay.

**Access Corrections** is supposed to send a monthly statement to individuals on parole who owe supervision fees and any restitution or other prison debt. In reality, Access Corrections falls short of that simple procedure. I have had formerly incarcerated people tell me that they go two or three months without receiving a statement. Some do not even begin receiving statements until they have been out of prison for a few months. The statements fall short of accepted standards in accounting. They are basically useless in terms of informing the probationer or parolee how their payments are being allocated. There is no accounting reflected on the Access Corrections statements detailing how much of a payment has been allocated to supervision fees, restitution, or prison debt.

**What is actually happening.** I had someone in my clinical practice who has been on parole for a year and saving money to make a substantial payment to bring his significant restitution balance down. After a couple of months of meeting with his parole officer and asking, he was unable to learn how to make sure this specific payment was allocated to restitution. He then called Access Corrections directly. He was discouraged to learn that he, as the person making the payment, had no way to instruct Access Corrections how much he wanted to be paid against the various balances he was carrying, (supervision fees, restitution, and prison medical debt). He was told by Access Corrections that they just collect the money – and their fees associated with collecting those payments from people on parole – but that they do not direct how the payments are allocated. They said it is up to each Adult Probation & Parole to allocate how each payment is applied to various types of debt. When he talked to his PO again, he was told that the agent was unsuccessful in attempts to direct how it was allocated.

**I decided to research this.** It was time to make some calls and try to learn how this process is actually supposed to work. I contacted a supervisor with A P & P who explained to me that each A P & P regional office has an employee who actually performs the allocation of each payment. Unless instructed otherwise about any account, currently, the first part of the payment will go to pay monthly supervision fees. If there are additional funds in the payment after supervision fees are current, then a percentage is allocated to each of the other categories that the person may owe money. Restitution is the next category to receive a percentage after supervision fees, and then prison debt after that. If someone wants all of one payment to go to directly to restitution, they need to arrange with their PO at least 30 days in advance to make sure that the person in charge of allocation for that A P & P office knows to apply that person's payment to restitution. And then verify that before making the restitution payment.

This is a complicated process that requires agents to go above and beyond their normal roles. All the while we, as taxpayers of Utah, as well as people on probation and parole, pay Access Corrections to collect and funnel payments back to UDC without actually doing any of the allocation of funds. I find it offensive that a company like that exploits people by charging a \$6 fee to deposit funds to a kiosk or mail in a money order to pay their debt. I do not think that most of us would take

kindly to being charged an extra \$6 for the ability to make our mortgage or rent payment. But we do it to people on parole struggling to rebuild their lives.

**For people convicted prior to July 1, 2021,** interest has been accruing on their restitution. The only remedy for that is to petition the court or the BOPP to modify the payment schedule and request a forgiveness of interest accrued while incarcerated and unable to make regular payments on it.

The new 2021 law states that within 90 days after the termination of the sentence, the person may petition the court or the BOPP regarding forgiving accrued interest on the unpaid amount of the criminal accounts receivable. The court or the Board is more likely to forgive the interest accumulated on the principal amount of restitution if the person has been making regular payments against the restitution amount. This will only be possible if their parole agent works with them to make sure that after the supervision fee, any additional payments are credited toward restitution.

**When the sentence ends.** Please note that after someone's probation or parole is terminated or expires, any outstanding amounts will be turned over to the Office of State Debt Collection (OSDC). At that moment, interest and penalty fees have been added to the unpaid principle balance owed. The Office of State Debt Collection can send out collection letters, has the authority to garnish tax returns, and will garnish a person's wages up to 25%.

**Pay something on restitution monthly.** It is in the best interest of every incarcerated and releasing person to find a way to pay down their restitution. If there is any way to pay it prior to parole, that is the best option. However, that is not possible for the vast majority of inmates. Therefore, including both supervision fees (which are taken out of payments first) and a regular amount for restitution (no matter how small) in each month's payment is the option that will reduce the cost of criminal debt in the long run.

This is a complicated issue, but UDC and the OSDC will not give anyone any slack for not knowing about how it works. Hopefully this article will help toward a bit of understanding on the importance of making restitution payments and hopefully getting all restitution paid prior to parole or probation ending to save significant amounts of penalties and interest.

***“There is nothing noble in being superior to your fellow man; true nobility is being superior to your former self.” — Ernest Hemingway***

**“Our task, in the aftermath of September 11, was and continues to be the transformation of the effects of evil into something beautiful and good.” – Marianne Williamson**

## Recommended Self-Help Books for Incarcerated and their Families

First Choices of Molly Prince, LCSW

Here is a list of books to help incarcerated persons and families on their prison journey. All of these are self-help books that are tried and true. These are also recommended by currently and formerly incarcerated people. I have used all of these in my practice with people who have been justice involved.

***Houses of Healing: A Prisoner's Guide to Inner Power and Freedom*** by Robin Casarjian, who spent years counseling and presenting workshops in Massachusetts prisons. This is a self-help book for inmates which shows how to apply the principles of emotional awareness / emotional healing to life in prison, and describes a path to behavioral change, dignity, and respect - for oneself and for others.

*Houses of Healing* deals directly with root causes of crime, violence, and addiction and offers a practical approach to emotional growth that speaks specifically to the challenges facing incarcerated men and women. It has practical exercises at the end of every chapter to assist readers in exploring themselves and implementing concepts presented in the book.

Guiding prisoners toward a restored sense of self in a context of respect, encouragement, and inspiration, *Houses of Healing* combines essential tools for change with a deep understanding of the challenges facing the offender population.

As a therapist, this book is almost always my first choice to recommend for incarcerated people to help themselves on the road to healing and recovery while waiting for official, sanctioned programming opportunities in Utah's prisons and jails. For over 20 years I have received nothing but positive feedback from incarcerated men and those on parole after they used this book to help work on fundamental changes in themselves to become happier, healthier, productive human beings, both inside and out of prison. Published by the Lionheart Foundation. ISBN-13: 978-0964493308 (Also available in Spanish but I could not find the ISBN for the Spanish edition.)

***Self Esteem: A Proven Program of Cognitive Techniques for Assessing, Improving, and Maintaining Your Self-Esteem*** 4<sup>th</sup> Edition, by Matthew McKay, PhD. and Patrick Fanning. ISBN-13: 978-0964493308. This fully revised edition features an innovative application of Acceptance and Commitment therapy (ACT) to self-esteem, and utilizes updated Cognitive Behavioral Therapy (CBT) to help you create positive change and thrive.

Circumstances and status can affect self-esteem—many factors can contribute to the way we see ourselves—but the one contributing factor that all people who struggle with how we feel about ourselves

is our thoughts. We all have a better chance of feeling good about ourselves when things are going well, but it's really our interpretation of our circumstances that can cause trouble, regardless of what they are.

This book uses proven-effective methods of CBT and relevant components of ACT to help you change how you feel about yourself, your situation, and others by working on the way you interpret your life. You'll learn the difference between healthy and unhealthy self-esteem, how to uncover and analyze negative self-statements, and how to create new, more objective and

positive self-statements to support your moods and view of yourself rather than undermine it. And with cutting-edge material on diffusion and values, you'll learn to let go of judgmental, self-attacking thoughts and act in accordance with what matters to you most, enhancing your sense of self-worth.

***Being a Man: A guide to the new masculinity*** by Matthew McKay, PhD and Patrick Fanning. Published by New Harbinger Publishers. ISBN 13: 9781879237407. This book is an inspirational guide to shaping a man's life skills. It explores every facet of a man's life and addresses such issues as messages received growing up about how to be a man; experiencing male integrity; finding meaningful work; experiencing strong emotion and controlling anger; clarifying and expressing feelings; relationship with father; understanding gender differences; communication and relationship issues; enjoying responsible sex; making and keeping male friends; and many other topics. It has some exercises to do on your own as you read through the chapters. I have recommended this book in my practice for men who have been justice involved for many years and have received a lot of positive feedback from those who used it.

***The Courage to Be Yourself: A Woman's Guide to Emotional Strength and Self-Esteem*** (2001 ISBN-13 978-1573245692 or latest edition published in 2016 ISBN-13 978-1573246767) by Sue Patton Thoele. This is an excellent book to help women readers enhance their self-esteem and tap into their core emotional strength. Geared to women who too often find themselves meeting the wants of others at the expense of their own needs, the book provides necessary tools to help readers transform their fears into the courage to express their own authentic selves. By sharing her own journey and the journey of other women, Thoele helps readers learn to set boundaries, change self-defeating behavior patterns, communicate effectively, and become a loving and tolerant friend to themselves.

I have used this book in my own life and with women in my practice for 20 years and it has proven an invaluable

aid in helping us explore our inner selves and evolve into becoming more authentic and appropriately boundaried while learning to care about our own health and well-being. Excellent for those who have found themselves repeatedly making choices to put others first in an unhealthy way, at the expense of their own well-being. I am a firm believer that unless we practice self-care and come from a place of love for ourselves, we will not have the energy or ability to care for all the others in our lives.

**SOS Help for Emotions: managing anxiety, anger and depression** 3<sup>rd</sup> edition, by Lynn Clark, PhD. ISBN-13: 978-0935111521. This is a self-help book that is fun to read and easy to apply. By understanding and applying insights and techniques from this book, you will learn useful self-help methods from Cognitive Behavior Therapy (CBT). You will gain insight into changing your thoughts and feelings and for becoming more successful in attaining your goals. Knowing the five steps of Emotional Intelligence (EQ) will help you to deal with difficult people more effectively.

Most people believe that unwanted / objectionable events (such as being moved to an undesirable housing unit) and unpleasant people (an overly critical boss or difficult cellie) directly cause high levels of anxiety, anger, depression, and other miserable feelings.

However, SOS teaches what we believe and tell ourselves about the bad events and those difficult people primarily determine the level of how upset we get. When you believe that other people and bad events directly cause your emotions, how do you go about helping yourself to feel better or find peace? If you believe everything outside of you is the sole cause of your distress, you cannot help yourself feel better. You are stuck in a rut if you believe that you must change other people or the world before you can feel better. Some people think getting very angry will cause others to change. However, others will not change as a result of your anger.

Successful people find a way to change their anger into calmness and then to go about achieving their goals. SOS teaches you the steps for managing anxiety, anger, depression, and other unpleasant feelings. Our Beliefs and Self-Talk primarily cause our feelings and behavior, and are more powerful than the challenging events and difficult people. SOS teaches the reality that we are responsible for managing our feelings and behavior no matter what is happening around us. Used internationally by adults, older teens, and counselors, SOS is available in 7 languages including Spanish.

The UPAN directors will be submitting recommendations for more books that will be listed in future newsletters.

***“All our knowledge has its origin in our perceptions” — Leonardo Da Vinci***

***“As human beings, our greatness lies not so much in being able to remake the world as in being able to remake ourselves.” — Mahatma Gandhi***

***“What you do makes a difference, and you have to decide what kind of difference you want to make.”  
— Jane Goodall***

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

He was reluctant to help fight the forest fire because his last name was Wood ~~Two full glasses and an empty one reminds you of what king? Phillip the third (Phillip III) ~~ Several people named Turner have been hamburger flippers at McDonald's ~~ What do Alexander the Great and Winnie the Pooh have in common? Same middle name.

You are someone to make others happy and smile. Continue to be that person. What could be more cool??!! Ed.

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### **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**