



## UPAN Newsletter Volume 9 Number 4 | APRIL 2022

*“Empowerment and Growth Through Knowledge and Unity”*

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### **In-Person Visiting & In-Person BOPP Hearings Resume Apr 1<sup>st</sup> – UCI & Commissary Shortages Update – Healthcare Audit Overview, Part 4 – Fresh Start Ventures Details – HB 194 Women Equal Education Opportunity 2022 CJ Legislation Selected Summary — Self-help & Inspiring Books**

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**Next Meeting:** April 11, 2022 6:30 p.m. **Topic:** Family Meeting. Free/open to public.

**Meeting Location:** Virtual Zoom Meeting – link <https://bit.ly/3vqQjiA>

**Following meeting:** May 9th, 2022 **Guest Speakers – Linda & Dave Donaldson of Fresh Start Ventures**

*UPAN continues virtual meetings. Also available on UPAN Facebook Live and on Facebook page afterwards. Visit UPAN website for link (p. 10) to current monthly meeting. Free to 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.***

### **In-Person Visiting Resume April 1<sup>st</sup> for USP and CUCE**

*This info and the next one are shared directly from the announcement posted on the UDC Website March 15*

With the decrease of Covid-19 cases throughout the state, the Utah Department of Corrections is resuming in-person visiting beginning April 1, 2022. There will be no age restrictions. Inmates can now have up to three visitors per session, as long as at least one is a child. **Protocols** that were previously instituted — barriers, social distancing, masks required for those over 3 and no visitors with symptoms — **remain in place**.

### **Some In-Person Board of Pardons & Parole Hearings Resuming on April 1, 2022**

In-person Board of Pardons hearings will resume April 1, 2022, for all death hearings. Non-death hearings for those housed at the Utah State Prison will also be in-person. The same **protocols** that were previously in place for Board hearings **will remain**, including social distancing in the hearing room. **NOTE: Non-death hearings for those housed at the Central Utah Correctional Facility and county jails will continue to be conducted virtually.**

## Update on UCI Commissary Shortages

By Molly Prince, LCSW

In the March UPAN Newsletter, we discussed issues about commissary shortages and UCI. We have been in communication with UDC about the situation and about our suggestions of possible solutions which include UCI making a list of products that families could order from retail vendors on a one time or maybe monthly basis and have sent in to their loved ones.

The final response that we received was that the UCI team and Prison Operations discussed it. The short answer is that they will not create a way for families to send in a care package of products from a retail vendor. They informed us that UCI's commissary is currently working with a wide variety of vendors to procure products and increase inventory. Yet serious shortages continue. Four months without deodorant and other necessary health and hygiene items is not acceptable!

Based on Evelyn Matue's research in February and March about what other states are doing, I had proposed the idea about a care package to UDC's Kaitlin Felsted to ask UCI about. The response is that UCI often works with smaller wholesalers in order to secure the very lowest price for commissary items. I had mentioned that other prisons also were having problems getting products from large commissary vendors like Keefe Supply and Union Supply during the shortages. Their response included a list of 15 vendors that they use, both large and small. That list and the email from Ms. Felsted was shared on UPAN's Family Facebook Group to help families stay in touch with what is happening.

Whoever reviewed my request somehow misunderstood my suggestion that families to be allowed to purchase from an approved product list from approved retail vendors out here, as the response stated that "Unfortunately if we purchase items from a retailer, rather than a wholesaler, the cost of the items becomes very expensive to the incarcerated population. We understand the burden of incarceration on families and

individuals and believe this would be detrimental to the individuals." UPAN's suggestion did not include anything about UDC or UCI purchasing from retailers.

My suggestion to UDC / UCI was for them to create a list of approved products that families in the community could be allowed to purchase from approved retail vendors such as Amazon, Walmart, or others that UCI could designate. Those products would be contained in one package sent into their loved ones from the approved retailer. I had further suggested that an approved list should include a cap on the number of items in an order, the maximum number of each item that could be ordered, and / or a maximum amount that could be spent. This was suggested to be a one-time or even once a month event for each incarcerated person, until supply chain issues in the wholesale world of prison suppliers are resolved.

UCI responded to me saying that UCI had researched the suggestion of loved ones sending in items from outside vendors. However, their response states, "This suggestion poses a security risk and would create an issue in the mailroom, which does not have the staff to search and deliver thousands of packages each day."

The response said that UCI reviews the out-of-stock list every week and contacts current vendors and other wholesale companies to track down the items. It says, "Many items are impossible to find at the moment or are inflated to a cost that we cannot justify passing along to the incarcerated population. If there are other local wholesale companies working with other correctional organizations, please send them my way and we'll add them." Yet, deodorant is easy to find in the community!

While we are not pleased with this response, it is what we received. It has made clear that there is not any possibility of families being able to provide necessities through care packages to those in the custody of UDC.

## Part 4 of Overview of Performance Audit of Healthcare in Utah's State Prisons

### Summary of Chapter IV

by Molly Prince, LCSW

*This is the fourth in a series of articles summarizing the Performance Audit of Healthcare in Prisons, Report #2021-17, presented to the Utah Legislature in December 2021. Please refer to the first three Overview articles in the January, February, and March 2022 UPAN Newsletters for background, introduction to the audit, and summary of Chapters 1, 2, and 3 of the report.*

The fourth chapter of the Audit Report addresses findings related to shortcomings in administrative oversight of Medical Services. It reports on incentive awards for nurses and EMTs, funding allocations, and deficits in the performance metrics used for calculating and reporting response times to Inmate Care Requests. Chapter 4 also reports on the lack of review and updates

to the Clinical Service Bureau's (CSB) policies, procedures, and training materials.

**CSB management was found in violation of the Administrative Rule it operates under in three ways:**

1. Nurses' overtime pay incentives go beyond the allowable amounts.

2. Emergency medical technician (EMT) retention incentives lack proper approval.
3. Incentive programs are not included in UDC policy. (Page 39)

**Incentive pay for nurses.** CSB management created an incentive program for nurses to be competitive in hiring and retaining nurses. It allows for incentive pay for working overtime or extra shifts.

As discussed in the summary of Chapter III of the audit in the March UPAN newsletter, nurses are vital to the appropriate and timely delivery of medical services in both of Utah's prisons. Because nurses are in high demand, UDC uses incentive programs to recruit and keep nurses in the CSB. However, management did not adhere to the *Administrative Rule* and UDC policy when using the incentive pay program.

The Audit Report quotes the *Rule* as stating, "Individual awards may not exceed \$4,000 per pay period and \$8,000 in a fiscal year, except when approved by DHRM and the governor." (The DHRM is Utah's Department of Human Resource Management.)

**Overtime incentives for medical staff exceed allowable amounts.** The audit reviewed six years of data between 2016 and 2021 regarding the use of employee incentive programs. On pages 39-40 the report it states that the *Administrative Rule* specifies thresholds for individual incentive award amounts.

When the Audit Report was released in December 2021, it reported that Clinical Services Bureau employs 205 full-time employees, 61 of whom are nurses. It had awarded over \$570,000 in incentive awards between 2016 and 2020. The auditors support incentive programs but stress that CSB management needs to follow the *Administrative Rule* and provide "careful oversight of implemented incentive programs," (page 40).

Despite this *Rule*, the CSB exceeded the annual limit on the established \$8,000 per employee of incentives it paid to medical staff without the prior approval of DHRM or the governor in three separate cases. The audit reports in 2016, one employee received \$12,900 in incentive pay, while another received \$19,200 in 2017 and one received \$12,000 of incentive pay in 2021.

CSB also exceeded the limit of \$4,000 of incentive pay in one pay period in 2016 when it paid one employee \$4,800 in one pay period.

The Report indicates that as a result of the audit, the CSB management started to work with DHRM to find a solution for addressing compensation issues. As a result, the DHRM now recognizes overtime hours worked as a "shift differential" rather than an incentive award. A shift differential is extra or premium pay certain employees can earn for working outside normal business hours.

**EMT retention incentive does not have documentation of ongoing approval.** In 2016, the then executive

director of the UDC approved a retention bonus pay program for EMTs. The Audit Report states, "The proposal was intended to be a 'short-term fix' for the Bureau, which was having difficulty retaining EMTs." It was intended to last until July, 2017.

This short term program allowed the CSB to offer EMTs a bonus of \$250 per paycheck [apparently paid ever two weeks, 26 pay-periods – Ed.], for a maximum of 18 months [or 39 pay-periods – Ed.]. This allowed EMTs the potential of receiving up to \$9,750 in bonus pay if they worked every month over that 18 month period.

The auditors found that despite program approval, it did not receive administrative oversight. It was intended to last 18 months. However, it was still awarding these retention bonuses to EMTs in September 2020. Even though the time limited program had received approval, neither DHRM nor CSB could produce documentation to auditors to verify that the CSB was given permission to extend the program beyond the original 18 months.

**Incentive Programs are not in UDC Policy.** Page 42 of the report indicates that the auditors discovered that these incentive programs are not included in policy, as is required by *Administrative Rule*, R477-6-7(1) which states, "Only agencies with written and published incentive award and bonus policies may reward employees with incentive awards or bonuses."

**CSB management should be more transparent in funding allocations.** This portion of the report (page 42-43) states that during the five fiscal years between 2016 and 2020, CSB was underspending on personnel services which are regular salaries and wages, paid overtime, incentive awards, and benefits which include state retirement, health, dental, and long-term disability insurances, and other personnel-related expenses. CSB was redirecting those funds to pay outside healthcare providers, which totaled \$11.3 million over the five-year period reviewed. At the same time, outside provider payments required an additional \$9.6 million.

The auditors see this information as useful so that CSB management can become more transparent on how program funds are used as well as take the initiative to find ways to recruit and retain medical staff.

The audit indicates that there are constant recruiting efforts to fill vacant positions in Medical. It also recommends that more creative opportunities could be developed to recruit and retain nurses, including an education loan repayment program.

**There is a shortage of medical staff, even when funded.** Page 43 of the Audit Report shows that despite there being funds available to hire and keep more medical staff, that is not happening. In fiscal year 2020, it budgeted for 205 fulltime positions, but only 172 positions were filled. This means that CSB received taxpayer funding for 30 unfilled positions. CSB is authorized to transfer money within medical services

from one area to another, however the audit found that funds intended for full-time equivalent employees are being redirected to other sources. This includes the outside provider deficit. The auditors recommend that CSB be transparent with the Legislature about how the funds allocated to CSB are actually being used.

**Performance metrics should be improved, updated.**

Page 44 of the Report indicates that the performance metrics the CSB is using do not reflect the actual operations and indicate inadequate oversight by CSB management. In fiscal year 2020, CSB reported five performance metrics to the Utah Legislature. Two of the five relate to the percentage of Inmate Healthcare Requests (ICRs) processed within a specific time frame. The ICR timeline for addressing and closing requests for medical services is 3 business days. However, the auditors discovered that nurses, EMTs, schedulers, and providers had never heard of this time frame as a performance metric. Staff told the auditors that three business days is “not feasible.” The auditors also had questions about the parameters used to generate and calculate this metric, and how it is being reported to the Legislature.

**ICRs can be submitted in various ways.** The most common is for the incarcerated person to fill out a paper request form, then place it in a secure collection box. This method leaves no way to track the amount of time when the ICR form is submitted, to when it is picked up and collected by medical staff. Once it is in medical’s hands, it is supposed to be entered into the prison’s electronic medical record system (EMR), at which time it is given an electronic time stamp, which includes the date the request was recorded (not submitted).

Once a patient sees a medical provider or receives medication, or the ICR is resolved in some other way, the ICR is considered “closed.” Please note, this closing of the ICR does not mean the incarcerated patient believes their medical issue has been adequately addressed or is resolved, it means that Medical considers that encounter / ICR resolved.

**UDC uses a generic calculation for the response timeline, making it appear more favorable.** Page 44 and 45 of the Audit Report explain more specifically the ICR response time. Since the time lapse between a patient submitting an ICR into the collection box (or giving it to an EMT or Nurse at pill line) is not counted as the time it was “received,” the timeline the CSB has, will be different from the timeline the patient is keeping.

The length of time between medical staff entering the ICR into the EMR system and when it is closed is referred to as the ICR response timeline. The audit states, “Rather than calculating the percentage of ICRs addressed and closed within three business days, the UDC changed the number of business days by

subtracting one from the total,” (page 45). So and ICR that took four business days to address and close is presented by UDC as three business days. This allows the UDC to count a 4-business-day response time as meeting the 3-business-day metric and is what is reported to the Legislature. This does not reflect the actual CSB response timeline and is very misleading and the auditors state this in the report.

Furthermore, CSB has its own target response timeline as 15 days, rather than the 3 that is policy. Auditors recommend that CSB create “meaningful performance metrics that adequately reflect program activity, and clearly communicate these metrics to all Bureau staff,” (page 46). Please refer to UPAN March Newsletter for more detailed information on ICRs and timelines).

**Policies, procedures, and training materials are outdated.**

The Audit found that CSB has failed to regularly review policies, procedures, and training materials which are used in the proper administration of healthcare for incarcerated patients. It states, “A regular review ensures the safety and protection of both medical staff and inmates.” The report also refers to the National Commission on Correctional Health Care (NCCHC) requirement that healthcare policies and procedures in prison settings be reviewed yearly. The CSB has not updated their nursing and EMT protocols, despite them being signed as reviewed in the past two years. This includes an outdated review of the drug formulary (which is a list of prescription drugs that are approved to be prescribed) which has not been reviewed since January 2019. This is in contrast to the state of Utah’s Public Employees Health Program which updates its formulary for generic drugs monthly and newly approved medications quarterly.

Nursing protocols have not been updated since November 2014. The EMT orientation manuals have training sections that have not been updated since July 2008, which is 13½ years ago.

**Surrounding state prison systems are reviewed and updated annually.**

The auditors reviewed policies and procedures from surrounding states including Arizona and Nevada. These had been reviewed within the past year and were updated where necessary.

**Chapter IV Recommendations.** Page 48 of the Audit Report lists four recommendations regarding issues raised in this chapter. It recommends that the CSB

1. follow *Utah Administrative Rule* when implementing incentive programs.
2. be transparent (aka honest) with the Legislature in how program funds are being used.
3. create meaningful performance metrics that reflect program activities.
4. ensure its formulary, procedures, policies, and training materials are all up to date.

***“Freedom consists not in doing what we like, but in having the right to do what we ought.” Pope John Paul II***

## Fresh Start Ventures

By Linda and Dave Donaldson

Fresh Start Ventures, Inc. is a fully qualified 501(c)(3) nonprofit corporation based in Provo, Utah. It was founded by Dave & Linda Donaldson in 2016. The idea to create Fresh Start was born of our own experience with the justice system. The loss, disconnection from family & community, and the injustices endured, eventually prompted us to create an organization where those who have served their time, can find love, connection, and belonging.

Our mission is to support people in transitioning successfully after incarceration. Over the six years that we have existed, we have served over 2000 people throughout the State of Utah. We are a collaborative community partner with Utah Department of Corrections and many other community organizations. We offer evidence-based curricula and practices that are trauma informed, and gender specific. We administer the REAL Transition Program, both in the prison and in the community. When you are released, you can attend our weekly REAL Transition community meetings, either in person, or virtually.

**Mentors** – Fresh Start Ventures recruits and trains mentors. Mentors are either Peer Mentors or Non-Peer Mentors. Peer Mentors typically come to us by having first completed the REAL Transition Program inside – many of whom have been REAL Transition instructors. Non-Peer Mentors are people who find us on the outside. Typically, they have found us through our website or through service organizations – some have also done time, but many have not.

Our Non-Peer Mentors exist to serve with us facilitating REAL Transition in the prison, and as one-on-one mentors helping our program participants with such things as educational goals, entrepreneurial incubation, and as accountability partners. They undergo a rigorous training process with us that helps them to empower others through a strengths-based approach. Mentors are not enablers, and, while loving those they serve, hold professional boundaries.

Our motto is “People Love Connection.” We work to help our program participants feel accepted and loved and to focus on the present while working toward their bright futures.

**Housing** – Fresh Start Ventures helps to assist in attainable housing solutions. With a community partner, we have a new housing facility in Provo that should come online May 1<sup>st</sup> of this year. There are 72 housing units in this new project that will offer low-cost housing for men, women, and some couples.

Our approach to housing is to provide a simple, safe, clean environment so that program participants can focus on the tasks they need to work on to re-establish

their lives. Our units are fully furnished, provide high speed internet, utilities, and are typically \$400-\$500 per resident for a shared room in a shared unit (at this time). Residents can have a therapy animal and have access to the onsite hydroponic greenhouse.

We have access to some other units around Utah, through a partnership with landlords who accept our program participants with no background check and no application fee.

Fresh Start also has a Tiny Home program, which is a pathway to homeownership. Tiny Homes (typically 300-400 square-foot studios) are built in mentor family backyards. Program Participants live in the Tiny Home for 3-5 years, paying market-rate rents established at the time of first occupancy. After 3-5 years, 80% of their paid rents are deposited into an escrow account for up to 12 months, designated to be used for the purchase of real estate by the Program Participant. Our Participant has then had time to work on educational/career goals, get their credit in shape, and care for a home while having the opportunity to create a good-sized savings account.

Qualifications for this program include (but are not limited to): completing REAL Transition successfully, becoming a Peer Mentor, volunteer hours with Fresh Start, and demonstrating a willingness to purposefully change their lives. At the end, the mentor family keeps the Tiny Home as a thank you from Fresh Start for helping someone get back on their feet.

**Medical, Dental, and Mental Health** – In collaboration with our community partners, we offer onsite (at our offices in Provo) TAM (Targeted Adult Medicaid) participants assistance with reduced cost (sometimes free) medical, dental, and mental health services. For those who do not qualify for TAM, we have a great community partner in the insurance industry, who knows the ACA (Affordable - coverage).

**Employment** – Fresh Start Ventures has a construction employment work training program. Qualified participants learn skills in all of the construction trades. With some time, if employees are interested, we will assist them in obtaining their own handyman’s or contractor’s license and assist them in creating their own LLC’s.

Fresh Start Ventures maintains partnerships with many employers in nearly every field of employment. Participants typically can begin working within the first 14 days (about 2 weeks) after their release.

**Education** – Fresh Start Ventures strongly encourages education. 80% of all our current Program Participants on the outside are currently enrolled in, or have applied for, some form of secondary education. We currently have available to us, full (after FAFSA grants)

scholarships to UVU for women. As most know, we also offer REAL Transition (life skills) classes (in the prison and in the community), and other evidence-based courses in relationships, anger management, parenting, and addiction recovery.

We have an onsite computer lab at the Fresh Start offices in Provo. In this lab, participants can use computers for personal growth, job searches, creating resumes, or to learn basic computer use, coding, smart phone use, etc.

**Family Support** – We offer courses for family members and other support groups. Parenting, step-parenting, and relationship courses are available for participants and their families. REAL Transition is free, a weekly support group for those who have been previously incarcerated. This group meets every Thursday evening in Provo and a meal is included. Children of incarcerated parents can join an online support group as well.

*Timely Timpanogos Topics* A message for those in Timpanogos. *She is a beautiful piece of broken pottery, put back together by her own hands. And a critical world judges her cracks while missing the beauty of how she made herself whole again.” JM Storm.* [But we, at UPAN, see your beauty. Ed.]

## **H.B. 194 Requires UDC to Offer Equal Opportunity in Education**

By Evelyn Matue

House Bill 194 is an exciting bill! Among other things, it ensures that Corrections provides incarcerated women with the same educational or career-readiness program opportunities as incarcerated men and will make these programs more accessible to you. This will expand options in the trades beyond what has been offered in the past.

This bill also requires the UDC to consider an inmate's current participation in these programs when making a decision in regard to inmate transfers or appropriate

disciplinary action. It urges them to use best efforts to allow a student inmate to continue participating in these programs while the facility is under lockdown, quarantine, or similar status. Additionally, the department will be maintaining records on an inmate's educational progress and will be providing annual reports to the Higher Education Appropriations Subcommittee for statistical purposes.

**Transportation** – Fresh Start Ventures offers UTA passes for those that need them. Refurbished bicycles are available as well.

Next month's UPAN Newsletter will include information on Fresh Start Venture's construction training program.

Questions and Monetary donations can be made through our site [www.freshstartventures.org](http://www.freshstartventures.org) or by mail at: Fresh Start Ventures 560 S 100 W, Provo, UT 84601

URGENT - Besides monetary donations, we are in urgent need of hygiene kits since UDC has been releasing more people recently. If you wish to donate, you can request a list of the items that go into these kits. Please contact [linda@freshstartventures.org](mailto:linda@freshstartventures.org)

For further info on this new law, please refer to the more detailed article in the HB 194 in the next article.

## **H.B. 194 Department of Corrections Education Services**

By Evelyn Matue & Molly Prince

House Bill 194 is an exciting bill, sponsored by Rep. Melissa Ballard and Senator Luz Escamilla and signed by Governor Cox on March 22, 2022. UPAN is very excited about this bill, it will revolutionize how education is offered to, provided, and tracked for incarcerated persons in Utah Department of Corrections.

UPAN wants to acknowledge the list of co-sponsors that supported, advocated for, and helped to get this bill passed. These legislators include: Rep. Cheryl Acton, Rep. Jefferson Burton, Rep. M. Gwynn, Rep. Sandra Hollins, Rep. Marsha Judkins, Rep. Kelly Miles, Rep. K. Peterson, Rep. Susan Pulsipher, Rep. Angela Romero, Rep. Andrew Stoddard, and Rep. Mike Winder. **Make a note of these names for election time.** Ed.]

**Women to have equal access to educational programs.** This law ensures that UDC provides incarcerated women with the same educational and career-readiness program opportunities as incarcerated men. It requires UDC make these programs more accessible to women in its care and custody.

**Opportunities for grants and financial aid.** It includes a provision that before an incarcerated person begins an educational or career-readiness program, Corrections must provide reasonable access to resources necessary for the prisoner to apply for grants or other available financial aid that may be available to pay for the that person's educational program.

**Consideration of student's status when transferring to new housing.** HB 194 requires UDC to consider an



incarcerated student's current participation in these programs when making a decision regarding inmate transfers to other housing areas or facilities, as well as consideration when determining appropriate disciplinary action. It urges Corrections to use "best efforts" to allow a student to continue participating in their educational programs while the facility is under lockdown, quarantine, or similar status.

**Transfer of Credits.** The bill addresses the necessity for UDC to facilitate transfer of credits, records and other information related to a prisoner's educational process upon their release from prison. It includes the student's post-release contact information and the release of records to the student (former inmate) or an entity that the student has authorized to receive their records or post-release contact information. This also includes a school, trade school, college, or university from which the student received educational instruction while incarcerated or at which the student plans to continue their post-incarceration education.

**UDC will be maintaining records on an inmate's educational progress.** Beginning May 2023, UDC will be providing annual reports to the Higher Education Appropriations Subcommittee for statistical purposes. The information and data required in these records and reports is extensive and includes the following (taken directly from the bill):

- a) the number of inmates who are participating in an educational or career-readiness program, including an accredited postsecondary education program;
- (b) the percentage of inmates who are participating in an educational or career-readiness program as compared to the total inmate population;
- (c) inmate program completion and graduation data, including the number of completions and graduations in each educational or career-readiness program;
- (d) the potential effect of educational or career-readiness programs on recidivism, as determined by a comparison of:
  - (i) the total number of inmates who return to prison after a previous incarceration;
  - (ii) the number of inmates who return to incarceration after a previous incarceration who participated in or completed an educational or career-readiness program;
- (e) the number of inmates who were transferred to a different facility while currently participating in an educational or career-readiness program, including the number of inmates who were unable to continue a program after a transfer to a different facility; and
- (f) the department's recommendation for resources that may increase inmates' access to and participation in an educational or career-readiness program; and estimate of how many additional inmates would participate in an educational or career-readiness program if the resources were provided.

<https://le.utah.gov/~2022/bills/static/HB0194.html>

*"What you choose to fill your mind with has a huge impact on who you are as a person." Joss, in the Presence of Love*

## **Community Correctional Center Revisions H.B. 152**

By Deon Corkins

This bill was sponsored by Representative Calvin R. Musselman and Senator David G. Buxton. It amended county zone definitions for community corrections centers (UDC halfway houses) and established criteria for transferring residents on parole in community correctional centers and establishing new community centers. It passed and was sent to the governor's office for signature on March 14, 2022.

The bill implements a policy where, when a new center is opened, only the people who have offended who are residents of the county or county zone where the CCC is located may be placed there. It also places a cap on the number of residents of a CCC in any given county zone. In existing centers, residents may be transferred to another CCC if the center's population exceeds more than 20% of the intended population of offenders in a CCC in that zone.

The department may not transfer an offender between CCCs unless the department determines that the transfer is in the best interest of the offender's successful re-entry into the community. There are also a variety of guidelines in this bill governing the number of CCC residents that can be put in a zone and guidelines

the UDC must follow when deciding where to open a new community correctional center.

The county zones are:

- Eastern zone: Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah counties.
- Northern zone: Box Elder, Cache, Morgan, Rich Summit and Wasatch Counties.
- Western zone: Beaver, Garfield, Tooele, Iron, Juab, Kane, Millard, Piute, Sanpete, Sevier, Washington, and Wayne counties.

Any county located in the Eastern, Northern, or Western zones with a population of 250,000 or more will not be part of a county zone.

When a new CCC is planned, the department will consider how close the locations will be to treatment services, healthcare, employment, and housing services, public transportation, and other services that will contribute to successful community entry.

The next Community Correctional Center will be opened in former National Parks Council Boy Scout building in Orem, UT. Specifications for the complete renovation include the demolition of the existing vestibule and construction of a new vestibule, construction of dormitories, restrooms, offices, group treatment rooms,

conference rooms, control rooms, multipurpose rooms, dining, and kitchen facilities, and building support areas. The construction site is located at 748 North 1340 West in Orem.

This will be the first Community Correctional Center in Utah County. UCCCC will house up to 82 male parolees and have about 40 employees including correctional officers and agents working around the clock. According to the UDC website, bids were awarded in the spring of

2021 and construction is expected to be completed anytime now. Sources:

<https://le.utah.gov/~2022/bills/static/HB0152.html>

<https://www.bidnetdirect.com/utah/solicitations/open-bids/statewide/DFCM-CONSTRUCTION-PRE-QUALIFIED-GENERAL-UDC-UTAH-COUNTY-COMMUNITY-CORRECTIONS-CENTER-20161120/22255989219>

<https://corrections.utah.gov/probation-parole/community-correctional-centers/utah-county-community-correctional-center/>

## **Summary of Various 2022 Utah Criminal Justice Legislation that Passed**

By Molly Prince, LCSW

**HB 0028 Offender Supervision Amendments** was sponsored by Rep. Lisonbee and Sen. Kennedy. It was signed by Governor Cox on March 22. This law allows a jail to hold a parolee or probationer under certain circumstances. It can hold an individual for up to 24 hours from booking if the individual is on supervised probation or parole and that information is reasonably available and the individual was arrested for a violent felony as defined in Section 76-3-203.5; or a qualifying domestic violence offense as defined in Subsection 77-36-1.1(4) that is not a criminal mischief offense.

The jail facility is required to notify the entity supervising the individual's probation or parole that the individual is being detained. The jail facility may also release the individual to the Department of Corrections if the Department of Corrections supervises the individual and requests the individual's release. It may also release if a court or magistrate orders release. The jail may also hold the individual in accordance with Title 77, Chapter 20, Bail, for new criminal conduct.

HB 0028 also clarifies the information a court and the BOPP shall consider under the sentencing guidelines when an individual violates a provision of probation or parole. It requires the UDC to detain an individual who violates a condition of probation or parole if the violation was a particular type of offense.

It is rather lengthy, so here is a summary of the rest of the provisions:

It requires a court to review costs that a defendant will be charged for supervisory services.

It clarifies which offenders, the Department of Corrections, a local government agency, or a private probation provider may supervise.

It modifies the duties of private probation providers.

It requires law enforcement agencies to perform certain tasks regarding supervision and presentence investigation reports.

It requires the Department of Corrections to provide a victim notice regarding:

- the expiration of an offender's probation or parole term; and
- the victim's ability to obtain a continuous protective order.

It allows a court and the Board of Pardons and Parole to impose a period of incarceration that differs from the sentencing guidelines.

<https://le.utah.gov/~2022/bills/static/HB0028.html>

**HB 403 Justice Reinvestment Initiative Modifications**, Sponsored by Rep. Ryan Wilcox and Sen. Kirk Cullimore. It was signed by the governor on March 24, 2022. This bill requires the Division of Technology Services (DTS) and the State Commission on Criminal and Juvenile Justice (CCJJ) to collaborate on and create a Criminal Justice Database as a repository for data required by Utah law. It also provides parameters and standards for that database. It requires the CCJJ to assist with the development and management of the database. It provides that entities that are not in compliance with reporting requirements may not receive grants from the Commission on Criminal and Juvenile Justice.

**It requires that the CCJJ provide reports to Interim and Standing Committees** of the Utah Legislature.

This report will include:

- (a) progress on the database, including creation, configuration, and data entered, to the Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and
- (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing Committee not later than January 16, 2023.

**It creates a grant program to assist agencies with compliance.** The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.

The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug



activity and related criminal activity, including providing education, prevention, treatment, and research programs.

**For each fiscal year, any law enforcement agency that receives a grant** from the CCJJ shall prepare and file with the commission and the state auditor a report in a form specified by the commission. The report shall include the following regarding each grant:

The agency's name, amount of the grant, date of the grant. It will also include how the grant has been used with a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant. For more detailed information see the legislation at <https://le.utah.gov/~2022/bills/static/HB0403.html>

**SB 150 Criminal Justice Data Management Task Force.** Chief Sponsor: Jacob L. Anderegg, House Sponsor: Karianne Lisonbee. This bill creates the Criminal Justice Data Management Task Force; defines membership; defines the task force's responsibilities; and sets a sunset date.

**The purpose of this Task Force** is to review the state's current criminal justice data collection requirements and make recommendations regarding:

- (a) possible ways to connect the various records systems used throughout the state so that data can be shared between criminal justice agencies and with policymakers;
- (b) ways to automate the collection, storage, and dissemination of the data;
- (c) standardizing the format of data collection and retention; and
- (d) the collection of data not already required related to criminal justice.

**The Task Force is to provide a report** on or before November 30, 2022, the task force shall provide a report, including any recommended or proposed legislation, to

- a) the Law Enforcement and Criminal Justice Interim Committee and
- b) the Legislative Management Committee.

**The task force is repealed April 30, 2023.** For more information and to see the various agencies to be represented on the Task Force, see

<https://le.utah.gov/~2022/bills/sbillenr/SB0150.htm>

**SB 179 Criminal Justice Amendments** sponsored by Senator Todd Weiler and Rep. Todd Wilcox. This bill creates and modifies several provisions of previous criminal justice laws.

**Jails & Counties.** It requires a county jail to report certain information to the State Commission on Criminal and Juvenile Justice (CCJJ). It requires a county to create a criminal justice coordinating council subject to certain requirements.

**CCJJ.** It requires certain residential, vocational, and life skills programs to provide data to CCJJ. It prohibits CCJJ from providing a state grant to an agency or program who is not in compliance with certain statutory reporting requirements. It requires CCJJ to evaluate, report, and publish certain data.

**DSAMH.** It removes and modifies provisions related to certification by the Division of Substance Abuse and Mental Health (DSAMH) of treatment providers who work with individuals involved in the criminal justice system. DSAMH is required to establish outcome measurements for treatment programs, including measurements related to recidivism reduction.

DSAMH must coordinate with the Administrative Office of the Courts, the Department of Corrections (DOC), the Department of Workforce Services, and the Board of Pardons and Parole to collect certain recidivism data; meet certain reporting requirements for the measurements and data; and publish certain treatment information online. It also modifies the Statewide Behavioral Health Crisis Response Account.

**Utah Dept. of Corrections** is required to track an offender's compliance with certain treatment while on probation or parole; and create a case action plan for an offender within a certain time frame. This bill prohibits UDC from contracting with a county to house state inmates if the county is not in compliance with certain statutory reporting requirements.

**Drug Court.** SB 179 provides that a felony offense is not required for participation in a drug court program.

Please note that SB 179 has amendments and additions to the very long legislation from Criminal Justice Reform efforts over the past 6 years. This summary is only a tiny part of the revisions. Please see the actual bill at <https://le.utah.gov/~2022/bills/static/SB0179.html> to review all modifications and additions.

***“I wish I could show you when you are lonely or in darkness  
the astonishing light of your own being.” Hafiz, 14th century poet and mystic***

**“Every human being is worth more than the worst thing they’ve ever done. All life has dignity,  
guilty life too.” Sister Helen Prejean, leading advocate against the death penalty**

## Recommended Self-Help and Inspiring Books for Incarcerated and Their Families

compiled by Molly Prince, LCSW

***I Thought It Was Just Me (but it isn't): Making the Journey from "What Will People Think?" to "I Am Enough"*** by Brene' Brown, PhD. Published by Avery, 2007. ISBN-13 978-1592403356. Based on seven years of her ground-breaking research and hundreds of interviews, *I Thought It Was Just Me* shines a long-overdue light on an important truth: Our imperfections are what connect us to each other and to our humanity. Our vulnerabilities are not weaknesses; they are powerful reminders to keep our hearts and minds open to the reality that we're all in this together.

Brown writes, "We need our lives back. It's time to reclaim the gifts of imperfection—the courage to be real, the compassion we need to love ourselves and others, and the connection that gives true purpose and meaning to life. These are the gifts that bring love, laughter, gratitude, empathy, and joy into our lives."

***Women & Shame: Reaching Out, Speaking Truths and Building Connection*** by Brene' Brown, PhD. Published by 3C Press, 2004. ISBN-13 978-0975425237. A compelling exploration of the complexities of shame and its impact on women's lives. Based on interviews with over 200 women, here are ideas, information, and strategies for understanding shame across a wide range of topics, including appearance, body image, motherhood, parenting, health, and aging supported by poignant and relevant case examples. Four key elements that allow women to transform shame into connection and acceptance are identified and explained.

***The 12 Steps to Self-Parenting for Adult Children*** by

***"It's what you read when you don't have to that determines who you will be when you can't help it."* Oscar Wilde**

### Couple of Smiles and Maybe a Laugh

What was the Navy dentist's customized license plate? TOP GUM ~~ What did the frustrated dieter lament? "The only time my weight goes down is when I'm in an elevator." ~~ I didn't like my beard at first, then it grew on me ~~ All the toilets in New York's police stations have been stolen. Puzzled, the police have nothing to go on.

When you make a mistake, you fix it. You tap into your creative potential. Is that cool or what? It's cool! Ed.

\* \* \* \* \*

### **Utah Prisoner Advocate Network**

Director, Co-Founder & Treasurer: Molly Prince  
Director of Communications: Shane Severson  
Director of Sex Offense 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

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**"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead**