



**UPAN Newsletter** Volume 10 Number 5 | **MAY 2023**  
*“Empowerment and Growth Through Knowledge and Unity”*

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**Mothers of Incarcerated – Healthcare for Incarcerated – Thank you Wendy – BOPP Audit Part 5 – 40 Years of Utah S O Registry – More on Pell Grants – Improved Parole Violation Service in Davis County – *Dell-Emerald Topics***

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**Next Meeting:** Mon May 10, 2023 6:30 pm - 8:30 pm Guest Speaker: Razmeet Samra of the Criminal Justice Institute will present on Justice Reinvestment Initiative (JRI). The CJ Institute is headquartered in Boston.

**Meeting Location:** Virtual Zoom Meeting – link <https://bit.ly/3vqQjiA> Free and open to the public

**Following Monthly Meetings:** Monday June 12, 2023 Family Meeting TBA; No meeting held in July.

*UPAN continues virtual meetings. Also available on UPAN Facebook Live and on Facebook page afterwards. Use link above or visit UPAN website for link (p. 10), or Utah Prisoner Advocate Facebook Page for link 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.***

**2023 Mothers Day for Mothers of the Incarcerated**

by Molly Prince, LCSW

Mother’s Day is difficult for mothers of the incarcerated. Research shows that women are the primary supporters of incarcerated persons, and a large percentage are mothers who shoulder the bulk of the financial burden of supporting a loved one in prison.

According to a March 8, 2021 article by abc4.com, “a recent study by business.org, the average Utah man earns over \$57,000 a year while women make an average of just under \$40,000. So Utah women make 70% less than their male counterparts. That 30% gap is

50th among the states and District of Columbia, only ahead of Wyoming (35%).

Yet women who have sons, daughters, husbands, and other loved ones in prison spend a significant amount of their income to nurture their relationships and provide financial support for phone calls, commissary, visiting, and other expenses associated with having an incarcerated loved one.

While this article does not want to discount the importance of any women who love and support their

incarcerated friends and family members, this article is dedicated to those who also are in the role of Mother.

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

An article on CNN.com in May 2018 by Karla Hodge and Jennifer R. Farmer entitled *“What Mother’s Day means for mothers of incarcerated children”* outlines three things parents of incarcerated children should remember.

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

**2. Use resources and reach out to other parents of incarcerated children.** While it may be tempting to isolate yourself, we have found tremendous encouragement in a community of others who have walked or are walking the path we’re on. In addition to

personal networks, Parents with Incarcerated Children is a support group for parents, and a Facebook group called Mothers of Incarcerated Sons and Daughters has also been recommended. There are also campaigns that work to end mass incarceration in the United States such as LIVE FREE. (UPAN’s Facebook Family Group also is a place mothers, wives, and other women can find support from other women).

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

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

Mother’s Day for mothers of incarcerated children is a day of remembrance. It’s a day of gratitude for what was, sadness for what is, and eternal hope for what will be.

## **Healthcare for Our Incarcerated Loved Ones, Progress on the Horizon**

By Wendy Parmley, RN, MBA

On March 15, 2023, Governor Cox signed into law [SB188](#), sponsored by Senator Luz Escamilla and co-sponsored by Representative Ryan Wilcox. Many thanks go to Senator Escamilla for her tireless advocacy for improved medical care of our incarcerated loved ones, and to Rep. Wilcox for joining her as a co-sponsor. SB188 is a first step to improve accountability and transparency to medical outcomes. It requires the following:

1. It requires the Department of Health to establish a pilot program to utilize medical monitoring technology to monitor the health of incarcerated individuals to improve healthcare outcomes. Examples might be heart monitoring technology, blood sugar monitoring technology, and others that could more timely alert health care providers to situations that would require intervention.
2. The Department must develop quality indicators to improve the health of incarcerated individuals. They must also measure to those indicators and on or before

October 1, 2024 and every year thereafter, they must make a report showing progress to those quality indicators.

3. It requires that on intake, each correctional facility must give each person a form to identify a contact person to whom they can release medical information.
4. It requires the correctional facility (includes jails and prisons) to notify the contact person of any serious illness or injury within five days.
5. It requires the correctional facility to notify the contact person of a death within 24 hours, to include the manner of death.
6. The language the bill uses to define how the notification of serious illness or injury process must work is as follows:  
The notification...shall, without compromising an investigation, describe:  
(a) the serious injury or serious illness;  
(b) the extent of the serious injury or serious illness;

(c) the medical treatment plan; and  
(d) if applicable, the medical treatment recovery plan.  
7. The language of the bill further clarifies that when giving notification of a serious illness, injury, or death "The department shall create a policy that a staff member provide the notification in a compassionate and professional manner."  
As I have learned throughout my nursing career, you can't improve what you don't measure. I also have learned that a focus on quality outcomes actually reduces cost.

With the upcoming move of prison medical services to the Utah Department of Health & Human Services beginning July 1, 2023, I am more hopeful than I have ever been that progress can be made to better care for our loved ones who find themselves battling chronic or acute illnesses or injuries. I am grateful for the opportunity to have shared your voices with the legislature and with our Governor. Your voices matter. Your stories must be told!

## **Wendy Parmley Resigns as Director of Medical and Mental Health Policy Issues**

By Molly Prince, LCSW

UPAN has been blessed to have the benefit of Wendy Parmley, RN as a Director for almost three years. UPAN families and incarcerated people have been the fortunate beneficiaries of all of Wendy's knowledge, passion, and dedication to improving the delivery of healthcare in Utah's prisons. All of us at UPAN extend heartfelt appreciation and a debt of gratitude for her amazing and dedicated service.

**She has made a difference!** Wendy joined the UPAN team shortly after the COVID Pandemic went into full swing. She worked hard to give a voice for the past three years to patients incarcerated in the Utah Prison System. Her knowledge, professionalism, courage, and passion have been a catalyst for the huge progress that has been made so far toward providing appropriate and needed medical care to Utah's prisoners.

Wendy's tireless and courageous efforts to advocate for incarcerated patients in the care and custody of the Utah Department of Corrections over these past 3 years have made a difference!!! She helped to empower families to advocate for their own loved ones in a manner that none of us have been able to do prior to Wendy's stepping into her position. This advocacy ultimately resulted in the 2021 Legislative Audit of Health Care in Utah's Prisons.

That Audit, along with Wendy's creation of a list of recommendations based on her own experience as an RN and in managing medical care, addressing

approaches to remedy the myriad of deficiencies in the Clinical Services Bureau (CSB) that we submitted to UDC as well as legislators and auditors, AND Wendy's and now Ginny's continued updating of the legislative auditors regarding concerns UPAN continues to receive, has eventually led to the transition that is happening now to put the Utah Dept. of Health and Human Services in the position of overseeing CSB for UDC.

It is Wendy's tenacious advocacy and pushing for what is professionally, ethically, and morally right that inspired all of us involved to never give up. Wendy has much wisdom to share with the world and has long been an advocate for others in various capacities.

She is now going to move forward in order to put all of her love and attention into the book she is writing. We all wish Wendy the best as she moves forward in her life to another calling that she is working to fulfill. She has been a tremendous asset to UPAN and will be sorely missed. And I want to wish her fulfillment and prosperity in her next endeavor.

I personally want to express my deep gratitude for the person that Wendy is. Her passion for what is right, her compassion for those who need help and have no voice is inspiring to me, and I dare say, all of us involved in criminal justice issues. I'm forever grateful for all she has done to help countless incarcerated patients and their families seek and obtain necessary medical treatment.

**Wendy has given us permission to share her April 2023 letter of resignation in this newsletter.**

*Dear Molly, UPAN Directors, and UPAN, It is with a heart filled with gratitude, and a bit of sadness, that I must send this letter of resignation from my position as Director of Medical and Mental Health Policy.*

*Nearly three years ago, I agreed to cover for Molly to field medical or mental health concerns while she was grieving the loss of her dear husband. Little did we know the crises that would follow related to the Covid-19 pandemic that shed light on the inadequacies of the medical care received in our Utah Prisons. The trauma shared by our incarcerated loved ones was real. These*

*individuals shared their stories, and I was privileged to forward those stories to UDC officials and more broadly to our legislators and even the Governor in a quest to save lives and preserve function. Together, we as families advocated for a legislative audit which showed systemic deficiencies. Finally, incarcerated individuals felt heard and vindicated.*

*These three years later, the Governor has just signed the first bill in nearly thirty years aimed at improving medical outcomes in correctional facilities. Additionally, the Department of Health will assume responsibility for*

the Clinical Services Bureau and the healthcare in our two Utah prisons in July. These changes could not have happened were it not for the voices of incarcerated loved ones and family advocates who reached out to share their stories.

As I wrote in my book, *Hope after Suicide*, published nearly nine years ago, "We all have a story—hidden secrets buried in dark and rocky earth. Our task is to unearth—to release the pain and discover the good, discover the healing, discover the love. Uncovering the darkness makes space for the light." It is my hope that the stories will continue to be shared unashamedly.

That good can come from the difficult and painful experiences brought to light.

Thank you for letting me be part of this incredible journey. With much love, Wendy Parmley, RN, MBA, Friend

**Footnote** - Wendy's final service as a UPAN Director occurred at the Capitol on April 12, 2023, when she attended the meeting of the Legislative Audit Subcommittee when the Office of the Legislative Auditor General presented its In-Depth Follow-up of Healthcare in State Prisons, Report # 2023-01. This report will be detailed in a separate UPAN article in the June Newsletter.

### Utah Prison and BOPP Data Now Available on the BOPP Website

The Utah Board of Pardons and Parole receives weekly reports containing a variety of measures. This data is available to the public. Review it in charts and graphs at the website: <https://bop.utah.gov/current-data/>

The data in these charts posted at this website will be updated weekly. The instructions say that if you hover your pointer over a bar in a chart, it will provide you with a specific number and the date it was reported.

### Be Aware of Social Security Scams From the Social Security Administration

On National Slam the Scam Day (which was March 9 2023) and throughout the year, Social Security offers information on how to recognize Social Security-related scams and stop scammers from stealing your money and personal information. Share scam information with your loved ones. **Recognize the four basic signs of a scam:**

- Scammers pretend to be from a familiar organization or agency, like the Social Security.
- Scammers mention a **problem** or a prize. They may say your Social Security number was involved in a crime or ask for personal information to process a benefit increase.
- Scammers pressure you to act immediately. They may threaten you with arrest or legal action.
- Scammers tell you to pay using a gift card, prepaid debit card, cryptocurrency, wire or money transfer, or by mailing cash. They may also tell you to transfer your money to a "safe" account.
- Administration. They may email attachments with official-looking logos, seals, signatures, or pictures of employee credentials.

**Report a Scam** - Report Social Security-related scams to the SSA Office of the Inspector General (OIG). Visit [www.ssa.gov/scam](http://www.ssa.gov/scam) for more information and follow SSA OIG on Facebook, Twitter, and LinkedIn to stay up to date on the latest scam tactics. Repost #SlamtheScam information on social media to keep your friends and family safe. Ignore scammers and report criminal behavior, Slam the Scam!

### A Performance Audit of the Board of Pardons & Parole – Part 5

Summarized by Heidi Kubbe, UPAN Director of BOPP Issues

This article is referenced and quoted directly from *A Performance Audit of the Board of Pardons and Parole #2022-14* dated November 2022. [https://olag.utah.gov/olag-doc/2022-14\\_RPT.pdf](https://olag.utah.gov/olag-doc/2022-14_RPT.pdf)

#### **The BOPP Should Determine If Its Processes Follow Probable Cause and Due Process Standards**

As previously reported, the Board of Pardons and Parole (BOPP or Board) makes thousands of decisions each year – 13,500 decisions in 2021. About 17 percent of those were decisions which revoked an offender's parole. The audit suggests that the Board should be evaluating to ensure adherence to probable cause and due process standards as required in the US Supreme Court's case, *Morrissey v. Brewer (1972)*. The audit is not making a conclusion or determination that BOPP is not in compliance, but rather notes the importance of BOPP to regularly review its processes thoroughly to ensure compliance and efficiency.

compliance with best practices. The Board should evaluate and ensure that the best practices are incorporated and changes to laws have been addressed as outlined in *Morrissey*.

According to the US Supreme Court's *Morrissey v. Brewer (1972)*, procedural due process requires the following:

"Before a determination ... to revoke [an offender's] parole can be made ... the principles of fundamental justice and fairness would afford the parolee a reasonable opportunity to explain away the accusation of a parole violation."

To satisfy this principle, it requires that, "... some minimal inquiry be conducted at or reasonably near the place of the alleged parole violation or

It is necessary that the Board continue to review process and statutory and regulatory frameworks to ensure

arrest and as promptly as convenient after arrest while information is fresh, and sources are available.”

The audit recommends that the Board reviews its policies to ensure they reflect best practices regarding probable cause and due process.

Utah Code 77-27-11 states that a warrant may be issued prior to finding probable cause to believe that the parolee has violated the conditions of parole. However, Administrative Rule (U.A.C. R671- 510-1) specifies that Board warrants are to be issued only after probable cause has shown that a parole violation has occurred. The Board should work with the Legislature to make revisions and ensure that these statutes and regulations are clear and consistent.

The audit found other states that provide specific language related to preliminary and probable cause hearings. Nevada statute states: “Before a parolee who has been arrested and is in custody for a violation of his or her parole may be returned to the custody of the Department of Corrections for that violation, an inquiry must be conducted to determine whether there is probable cause to believe that the parolee has committed acts that would constitute such a violation.”

Utah’s statutory language is vague and they need to review its process and frameworks and make any identified changes. They need to look at other states as examples and use these to come up with specific language related to case hearings.

### Recommendations

1. We recommend the Board of Pardons and Parole evaluate its existing processes to ensure best practices are incorporated and in compliance with probable cause and due process standards.
2. We recommend the Board of Pardons and Parole, after a thorough review of its policies and practices, bring any necessary statutory changes to the Legislature for consideration.
3. We recommend the Board of Pardons and Parole evaluate its regulatory framework outlined in Administrative Rule to ensure consistency with current and future statutory provisions.

**SUMMARY:** The following is the Complete List of Audit Recommendations. [Editor’s note: for space consolidation and easy reading, the word “Recommendation” and the phrase “We (meaning the auditors) recommend the Board of Pardons and Parole” are not repeated each time (fifteen times).]

This Audit Report made the following fifteen **recommendations to the BOPP**, unless otherwise specified. The numbering convention is audit chapter

## 40 Years of the Sex Offense Registry in Utah - Sex Offense Registry Legislative Updates

By Faye Jenkins

This month marks 40 years for the Sex and Kidnapping Offender Registry in Utah. Five years ago, I wrote a

number and recommendation number within that chapter. This is Audit Report language (obviously! Ed.).

- **2.1** Update its policy to ensure it encompasses all parts of its guiding philosophy, including public safety, and make the policy publicly available.
  - **2.2** The **Legislature** consider amending statute to include language that prioritizes public safety.
  - **2.3** Revise the rationale sheet and ensure that it is clear and direct, providing meaningful information to inmates.
  - **2.4** Analyze parole decisions for consistency.
  - **2.5** Amend the structured decision-making tool as further evidence-based information becomes available.
  - **3.1** Should update its policies and procedures to include up-to-date responsibilities for current positions and revise as necessary.
  - **3.2** Should create a management plan that outlines relationships between the oversight body, management, and personnel and formalize it in Administrative Rule.
  - **3.3** Revise its strategic plan to include challenges the Board is facing, key data elements, and specific performance goals and strategies to reach those goals and continue to make it publicly available.
  - **3.4** Identify its most important targeted performance measures and link them to specific goals.
  - **3.5** Continue to work with the Division of Technology Services to implement its O-Track Electronic File Management System and execute additional modules as necessary.
  - **4.1** Publicly provide metrics on its website, including but not limited to the following:
    - Recidivism measures
    - Time under Board jurisdiction
    - Prison releases by category
    - Measure(s) of a successful parole such as number of parole revocations
    - Consistency of Board decisions with guidelines
    - Aggregate reasons for departure from the sentencing guidelines
  - **4.2** Continue to make its strategic plan publicly available and update it to include what was discussed in Chapter III of this report.
  - **5.1** Evaluate its existing processes to ensure best practices are incorporated and in compliance with probable cause and due process standards.
  - **5.2** After a thorough review of its policies and practices, bring any necessary statutory changes to the Legislature for consideration.
  - **5.3** Evaluate its regulatory framework outlined in Administrative Rule to ensure consistency with current and future statutory provisions.
- The official response to this Audit by the BOPP will be included in the June UPAN Newsletter.*

series of UPAN newsletter articles describing the evolution of the registry laws in Utah, what evidence-based

research reveals about people who are convicted of sexual offenses, and recommendations for improving sex offense policies. Today I'm reporting back on several positive changes to Utah's S O registry laws during the past 5 years, including new laws passed this year.

In 2019 the yearly driver's license renewal requirement and the ban on changing one's name were removed from the registry laws. An early petition process was created for people required to register for 10 years. This effectively allows the time a person is on probation or parole to count toward their 10-year registration requirement.

In 2021 all people who are required to register for life were given an opportunity to petition removal from the registry after 20 years if specific conditions are met. Additionally, people are automatically removed from the registry if they receive a pardon from the Board of Pardons and Parole for the primary offense that required registration. Also, people previously required to register for an offense that is no longer registerable are also automatically removed from registration requirements.

The recent 2023 legislative session saw multiple bills attempting to make significant changes to Utah's registry laws. The following bills passed:

***HB146 4<sup>th</sup> Substitution - Sex Offender Restricted Area Amendments, Sponsored by Representative Cory Maloy and Senator Jake Anderegg.***

This bill changed the language that defines child protection areas in regard to parks, playgrounds, and pools. The prior statute primarily restricted the use of public pools, playgrounds, and parks. The new statute expands the restriction to specifically include pools, playgrounds, and parks that are "maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex." Keep in mind, a person can argue that other privately owned parks, pools, or playgrounds are not technically restricted based on the wording of the law, but as this past session proved, legislators are willing to make laws more restrictive to protect the spirit of the law. The state does not want people who are required to register to hang around places where kids are congregating if they do not have a purpose for being there.

***HB99 - Sex Offender Restrictions Amendments, Sponsored by Representative Brady Brammer and Senator Michael McKell.***

This bill increases the penalty for those who continue to violate area restriction laws. On the second offense of being present in restricted areas, the state can increase the penalty from a Class A Misdemeanor to a 3<sup>rd</sup> Degree Felony.

***HB139 1st Substitute - Sex and Kidnap Registry Requirements, Sponsored by Representative Marsha Judkins and Senator Stephanie Pitcher.***

This bill changes registration requirements for people who were convicted outside of Utah but now are residents of this state. Prior to this bill, people were required to follow the registration frequency and duration of the registry laws in the state of conviction. This bill removes the out-of-state frequency requirement and now allows people with an out-of-state conviction to follow the same petitioning process as people convicted in Utah if they have been a resident of Utah for at least 2 years. This bill simplified registry laws and recognizes all people should have the same opportunity to be removed from the registry regardless of the state where they were originally convicted.

***HB156 3<sup>rd</sup> Substitute - Sex and Kidnap Offender Registry and Child Abuse Offender Registry Administration Amendments, Sponsored by Representative Andrew Stoddard and Senator Stephanie Pitcher.***

This bill transfers the administration of the Sex and Kidnap Offender Registry from the Department of Corrections to the Department of Public Safety. It tends to be a better administrative fit since Public Safety already oversees the Bureau of Criminal Investigations which manages criminal records and background checks. City police and county sheriff offices are also already tasked with facilitating the registration requirements for those no longer on probation or parole. With this change, once a person completes their probation or parole, there will be less passing of information between different agencies.

***HB268 3<sup>rd</sup> Substitute - Sex Offense Amendments, Sponsored by Representative Andrew Stoddard and Senator Stephanie Pitcher.***

This bill is probably the most significant registration legislation passed in 40 years. This bill creates an official sex offense management board that falls under the Commission on Criminal and Juvenile Justice (CCJJ) umbrella of advising legislators on evidence-based criminal justice policy.

The board members will consist of representatives from the following agencies: the Department of Corrections, the Department of Public Safety, the AG's office, AP&P, the Department of Health and Human Services, the Administrative Offices of the Courts, the Office for Victims of Crime, the Division of Juvenile Justice Services, and the Board of Pardons and Parole.

Additional board members will come from the community. They include: a sex offense therapist experienced in treating adults in the community, a sex offense therapist experienced in treating juveniles in the community; 2 criminal defense attorneys (one specifically experienced with indigent criminal defense), a prosecuting attorney, a member of law enforcement, a victim advocate, a polygraph examiner, and a person previously convicted of a sex offense and has successfully completed treatment and supervision for the offense.

The board is initially given 3 years to complete the following tasks:

- reviewing research regarding treatment, risk assessment, and supervision practices for individuals on the registry or individuals ordered to complete sex offense treatment;
- advise and make recommendations to other councils, boards, and offices within the commission regarding evidence-based:
  - sentencing and treatment practices for individuals on the registry or individuals ordered to complete sex offense treatment to reduce recidivism and promote public safety;
  - policies to promote public safety and protect victims of sex offenses; and
  - **practices related to the registry that promote public safety, account for risk, and protect the rights of individuals on the registry** or individuals ordered to complete sex offense treatment; and
- advise and make recommendations to the Department of Corrections and the Department of Health and Human Services regarding:

- **evidence-based standards for supervision of individuals on the registry** or individuals ordered to complete sex offense treatment;
- evidence-based standards for training, certification, and evaluation of community treatment providers, polygraph examiners, evaluators, and other professionals who provide treatment and related services to individuals on the registry or individuals ordered to complete sex offense treatment; and
- implementation of the treatment standards and other duties related to sex offenses.

This is a huge opportunity for the state to assess current sex offense laws and policies to determine whether they are helping or hurting our communities. New registry laws will finally be directed by evidence-based best practices! Let us all hope the new management board will successfully move Utah away from ineffective one-size-fits-all policies to evidence-based best practices that reduce sexual abuse and provide restorative healing to victims and past offenders

### **Pell Grants Being Reinstated July 1, 2023**

by Kelly Bingham, UPAN Director of Educational Opportunities

**History.** In 1965 Congress approved all prisoners to be eligible for Pell grants. In the 80's and 90's there were many college programs in prisons across the United States. In 1994 a crime bill stripped all incarcerated individuals of Pell grant eligibility, making college almost impossible for most.

In December of 2020 congress reinstated access to Pell grants for incarcerated individuals, lifting the 26-year ban. With the passage of FAFSA (Free Application for Federal Student Aid) Simplification Act there is renewed hope that everyone who wants an opportunity to educate themselves will be able to apply for financial aid and receive post-secondary education while incarcerated.

In an article written by Juan Martinez-Hill, he states, "Having a college degree increases their chances to secure well-paying jobs, find stable housing, and provide for their families. People who participate in college-in-prison programs are 48 percent less likely to return to prison, and reduced recidivism rates could cut state prison spending across the country by as much as \$365.8 million annually." It is also stated that the FAFSA Simplification Act is "*sentence blind*" - meaning everyone can apply regardless of their sentence or length of conviction. The act covers jails as well as prisons and will take effect no later than July 1, 2023.

**What UDC is Doing.** The Utah Department of Corrections has hired educator Brian Fauver as a Correctional Administrator II – Education Coordinator USCF. Brian has formed a committee on which I am proud to represent UPAN. The committee includes two

incarcerated student committee members (one female and one male).

**Colleges will apply to participate in providing for-credit college courses in Utah's Prisons.** So far, this committee has made introductions and reviewed applications drafted by Brian Fauver. These applications will be used for each college or university in Utah who would like to participate in providing a college education to those incarcerated. Our goal is to have the application forms edited and in place prior to the July 1, 2023, reinstatement of Pell grants. This is a very important step in the right direction to providing opportunities for higher education to all those who would like to participate. There will still be some issues to deal with as far as implementation of college courses in each facility in Utah. Those discussions will continue so we can find a way to make sure everyone in Utah prisons and jails has an opportunity.

**Colleges and universities must go through a three-step application process.** Upon notification or invitation, they must first apply to UDC through Brian Fauver and the committee must approve the application. The second application must go to an accreditor for accreditation review and approval. The third application is with the Department of Education for approval. Upon completion, the college or university will start on a two-year probationary period while the committee continues to review their ability to meet the needs of incarcerated individuals.

**Jails.** Brian Fauver provided UPAN with this response when asked about post-secondary education in jails. "We discussed the possibility of delivering these services

in the jails but landed on the more likely solution of moving post-secondary interested individuals from jails to either CUCF or USCF where these programs are offered. That seems more likely to happen before finding a way to provide these services in all the jails, however we are working on that as well through distance learning classes. This conversation is taking place, but the resolution may take a little while. Currently, an individual who started post-secondary education but couldn't finish because of a transfer to a jail can talk to his/her case manager about being transferred back to a prison to finish the program. We are doing this for several individuals who started programs at USCF and were transferred to CUCF mid-program, so we are in the process of transferring them back to USCF."

**Anyone should be allowed to register for an Associate Degree through SLCC.** Regarding being denied education, the only education services that are selective of the students based on time being served are the vocational classes because those certificates are only good for 5 years before they must be renewed.

Fauver told UPAN that anyone, regardless of how long they have been in prison, or are expected to be incarcerated, is allowed to register for an associate degree through SLCC. **The only thing that would limit this opportunity is security levels.** He said UDC Programming tries to make this clear to all staff and

### **UDC and Davis County Sheriff's Department Expand Programming and Re-Entry Services for People who have Violated Parole**

*This article is reprinted directly from the UDC Website, posted March 22, 2023.*

"The Utah Department of Corrections, in coordination with Davis County Sheriff's Office, announced the expansion of opportunities for programming and reentry services to address individuals' risk factors when they return to prison for parole violations.

The goal is to reduce core criminogenic risk factors for those who violate parole. Individuals who violate parole represent the largest admission group for the Utah Department of Corrections.

In 2021, admissions from parole violators represented about two-thirds (67%) of all admissions to prison, while admissions from probation was 18% of admissions.

"We are excited to help these individuals be better equipped for success when they return to their communities," said Brian Nielson, executive director with the Utah Department of Corrections. "We are grateful for the collaboration with the Davis County Sheriff's Office, and we look forward to expanding these opportunities in other areas of the state in the future."

Data shows that parole violators returning to prison on technical violations stay on average for eight months.

incarcerated individuals but acknowledges that apparently the message isn't being understood completely.

I will continue to provide updates in the monthly newsletter to pass on as much information as I have. I am hopeful this process will be implemented and functional in the very near future so all those who would like to participate have that opportunity.

I am sure we will have some hurdles depending on how many people want to start applying for Pell grants as space is limited in the prisons. Once we have the application process in place, we on the committee will start working with colleges and universities on the distance learning possibilities at the county jails.

**Incarcerated people are encouraged to take advantage of this opportunity!** This is very exciting news and I hope that many, if not all of you, will take the opportunity to learn and grow while incarcerated so you have a degree upon release and a higher percent chance at success as you are released.

I hope and pray for each of you and will continue to do what I can to make sure the system provides you with educational opportunities. If you have questions, please feel free to send me a letter to the UPAN PO Box. Kelly Bingham, Director of Educational Opportunities UPAN, PO Box 464 Draper, UT 84020

The added programming and reentry services will address their core needs within a six-month timeframe.

"Oftentimes our standard programs for addressing criminogenic needs take longer than the average stay of someone returning for a parole violation," said Lena Gustafson, the deputy programming director with the Utah Department of Corrections. "Corrections offers so much to every individual we supervise based on their assessed needs, and we're excited to add more programming and reentry services to our repertoire to address those returning for a short stay for parole violations."

The core program that will be offered—**Living in Balance**—is customizable, comprehensive, & evidence-based, and takes about six months to complete.

**Customizable:** Designed to be effective in both group and individual settings, it can be used in all levels of care and program types. It is designed so that clients can enter the program at any point in the cycle of sessions.

**Comprehensive:** There are 47 sessions, each covering one specific topic. Clients are taught information about treatment and recovery, skills to handle feelings and



emotions, information about preventing relapse, practical living skills, and how to manage distorted thinking and behaviors.

**Evidence-based:** Developed by Danya International and tested as part of a NIDA-funded project, Living in Balance is a clinically validated, evidence-based program that has been proven to retain clients in treatment and reduce alcohol and other drug use.

**Davis Behavioral Health**, which contracts with the Davis County Sheriff's Office, will help to administer the support and classes specializing in mental health and peer support resources.

"We're excited to partner with the Department of

<https://corrections.utah.gov/2023/03/22/udc-and-davis-county-expand-programming-and-reentry-services-for-parole-violators/>

*Dell-Emerald Topics* **Pregnant and Postpartum Inmate Amendments**  
**Nursery / Mother & Babies Program** Overview by Molly Prince, LCSW

Rep. Candice B. Pierucci and Sen. Stephanie Pitcher sponsored HB 0429 PREGNANT AND POSTPARTUM INMATE AMENDMENTS this year. It can be found in full at <https://le.utah.gov/~2023/bills/static/HB0429.html> This bill passed, but it did not receive any funding attached to it to actually develop a nursery in USCF for such a program. However, this legislation brings Utah one step closer to having a Nursery and Mother and Babies program implemented in USCF, when that can be funded. In the meantime, UDC is applying for a grant to move forward.

**Intergenerational Coordinator position is filled.** Trisha Reynolds is the UDC Intergenerational Coordinator and she is already working toward increasing programs for mothers and children. A brief discussion was held on this during the March Stakeholder's meeting with UDC. We were told that UDC already advocates for diversion for pregnant mothers (versus going to prison).

**Summary:** This bill amends requirements relating to pregnant and postpartum inmates. It defines terms and it specifies that if the UDC creates a nursery for state inmates, the nursery is subject to rules established by the Utah Dept. of Health and Human Services (DHHS). It also establishes a Correctional Postnatal and Early Childhood Advisory Board. It provides that DHHS will consult with this Advisory Board, make rules governing any nursery established by UDC. It also modifies requirements relating to the use of restraints on a pregnant inmate. It requires access to postpartum care and certain social services for an inmate who has recently given birth. It includes a sunset date when the Advisory Board will stop operating. There are some other technical changes to the previous bill.

It defines and refines the policies around restraints for pregnant inmates as follows:

Corrections in this very important endeavor," said Chief Arnold Butcher with Davis County Sheriff's Office. "We believe this is a great opportunity to enhance the programs already offered at our facility. The Living in Balance curriculum will enhance safety throughout our community as we can work with parole offenders much sooner."

**Other services provided** will specifically address reentry needs, such as navigating parole, improving financial literacy, enhancing their work portfolio, resume', interviewing skills, and partnering with the Department of Workforce Services and Vocational Rehabilitation Services for other relevant needs."

**Pregnant inmates.** "Postpartum recovery" means, as determined by the pregnant inmate's physician, the period immediately following delivery, including the entire period the inmate is in the hospital or health care facility after birth.

"Restraints" means any physical restraint or mechanical device used to control the movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a convex shield.

- "Shackles" means metal restraints, including leg irons, belly chains, or a security or tether chain.

- "Shackles" does not include hard metal handcuffs.

If the staff of a correctional facility knows or has reason to believe that an inmate is pregnant or is in postpartum recovery, the staff shall, when restraining the inmate, shall at any time or location, use the least restrictive restraints necessary to ensure the safety and security of the inmate and others. This requirement shall continue during postpartum recovery and any transport to or from a correctional facility.

A correctional staff member may not use restraints on an inmate during the third trimester of pregnancy, labor and/or childbirth unless a correctional staff member makes an individualized determination that there are compelling grounds to believe that the inmate presents:

(a) an immediate and serious risk of harm to herself (the inmate), the inmate's infant, medical staff, correctional staff, or the public; or

(b) a substantial risk of escape that cannot reasonably be reduced by the use of other existing means.

It goes on to say that "under no circumstances may shackles, leg restraints, or waist restraints be used on an inmate during the third trimester of pregnancy, labor and childbirth, or postpartum recovery while in a medical facility.

Correctional staff present during labor or childbirth shall be stationed in a location that offers the maximum privacy to the inmate, while taking into consideration

safety and security concerns; and be female, if practicable.

If restraints are authorized under the above situations or if a correctional staff member authorizes restraints with reason, the correctional staff member shall make a written record of the decision to authorize and use of the restraints. This report will include:

- (a) an explanation of the grounds for the correctional staff member's determination authorizing on the use of restraints;
- (b) the circumstances that necessitated the use of restraints;
- (c) the type of restraints that were used; and
- (d) the length of time the restraints were used.

This record created and described will be retained by the correctional facility for 5 years;

Shall be available for public inspection with individually identifying information redacted; and may not be considered a medical record under state or federal law.

For a minimum of 48 hours after an inmate has given birth, a correctional facility shall, if directed by the inmate's physician, allow the infant to remain with the inmate at the health care facility.

A correctional facility shall provide:

- (a) an inmate who is pregnant, or who has given birth within the past six weeks, access to a social worker to help the inmate arrange childcare; establish a reunification plan; and establish a substance abuse treatment plan, if needed; and
- (b) an inmate in postpartum recovery access to postpartum care for up to 12 weeks as determined by the inmate's physician.

"Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or medical facility after birth.

"Restraints" means any physical restraint or mechanical device used to control the movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles, or a convex shield.

**Couple of Smiles and Maybe a Laugh** When life gives you melons, you might be dyslexic ~~ Always borrow money from a pessimist. They'll never expect it back ~~ Maybe if we start telling people their brain is an app, they'll want to use it ~~ Refusing to go to the gym is a form of resistance training ~~ The rotation of Earth really makes my day.

Look for a silver lining in bad situations; if the walls and roof cave in, see all the firewood you can sell. You're Cool! Ed.

### Utah Prisoner Advocate Network Contact Info

**Our Contact Information:**

Utah Prisoner Advocate Network  
P. O. Box 464, Draper, UT 84020

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Email: Utahprisoneradvocate@gmail.com  
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"Shackles" means metal or iron restraints and includes hard metal handcuffs, leg irons, belly chains, or a security or tether chain.

**Correctional facility nursery.** As used in this section addressing allowing an inmate who has given birth, "incarcerated mother" means an inmate who gives birth after entering the department's custody.

"Violent felony" means the same as that term is defined in Utah Code Section 76-3-203.5. (That is too long to include in this article so please have your support system look it up and send it in to you.)

If, using existing budget, the department creates a nursery in a correctional facility to provide space for incarcerated mothers and infants, it may not:

- a) provide space in a nursery for an infant 19 months old or older;
- b) begin or continue operating the nursery unless DHHS certifies that the nursery is in compliance with the rules established under Section 26B-1-401; or
- c) provide space in a nursery established by the department for an incarcerated mother who has been convicted of, or has charges pending for, a violent felony, including attempt, solicitation, or conspiracy to commit the violent felony.

If the UDC establishes a nursery, the Department shall ensure that at least one administrator of the nursery has experience or training in early childhood development.

The UDC may in accordance with Section 26B-1-401, request that the Correctional Postnatal and Early Childhood Advisory Board authorize:

- 1) an infant who is 24 months old or younger to remain in a nursery;
- 2) or an incarcerated mother who has committed a violent felony to be provided space in a nursery; and
- 3) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the eligibility requirements for an incarcerated mother to enter any nursery established by the department.

A list of who is required to be included on the Advisory Board will be included in June's Newsletter.

**"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**