



**UPAN Newsletter** Volume 10 Number 6 | **JUNE 2023**  
*“Empowerment and Growth Through Knowledge and Unity”*

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**In-Person Meeting in June – Ideas for Incarcerated Fathers – More on Medical Audit – Listening Sessions on Healthcare – Response to BOPP Audit by BOPP**  
*Dell-Emerald Topics* Part 2 – New DOC Exec Director – UPAN N/L 9 Year Anniver

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**Next Meeting:** **In-person Meeting, Monday, June 12, 2023 6:30 pm - 8:30 pm** Family Meeting and acknowledging UPAN’s 10 years of service to prisoners, their families, and the community that supports them on their release.

**Meeting Location:** **In-person meeting at Utah State Capitol, The Capitol Boardroom, Room # 240. Also available:** Virtual Zoom Meeting – link <https://bit.ly/3vqQjiA> Both meetings are **FREE** and open to the public.

**Following Monthly Meeting:** **Monday, August 14, 2023 on Zoom. Guest Speaker: Dr. Sam Arungwa on his pilot program and no cost college programs in jails. No meeting is 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.***

**“It doesn’t matter who my father was; it matters who I remember he was.” Anne Sexton**

**Ideas for Incarcerated Fathers to Build Positive Relationships with Their Children**  
 by Molly Prince, LCSW

June 18, 2023 is Father’s Day. This day can be especially hard for incarcerated fathers, as well as children who are living without their fathers in their homes or lives.

UDC is now offering InsideOut Dad® courses. UPAN has had wonderful feedback about the positive experiences of course participants now that these courses are up and running in both facilities. Please refer to June 2022 UPAN Newsletter for an article on InsideOut Dad®. For those inmates who do not have the opportunity to take InsideOut Dad®, this article

shares ideas from various sources for fathers who are in prison.  
**Be a positive role model.** Fathers can positively influence their children from inside. This applies to fathers with grown children and other young people in their lives. Being involved with your children starts with being a positive role model. Dr. Greg Austen is quoted

in the Summer 2018 Men's edition of Inside Journal\* as saying, "It's hard to be what you didn't see." Dr. Austen is the former director of national programming at the National Fatherhood Initiative, an organization that encourages fathers to be involved, responsible, and committed.

Fathers play an irreplaceable role in their children's lives. According to Dr. Austen, that role includes being a guide—helping children find their way in a world that can be disorienting, overwhelming, and discouraging.

**A child's world can be especially challenging with a parent in prison.** Your child might get the message from society that they will never amount to anything, or that they are destined to go to prison themselves. You can send the opposite message. Tell your children that they matter—that they have value, abilities, and potential. That they can make good choices and make a good life for themselves. If they know you believe in them, it will be easier for them to believe they can succeed.

**Parenting from prison is challenging.** You may doubt that you are the person to help your child because you ended up in prison. Even if you have guilt, shame, or embarrassment over the choices that resulted in your incarceration, you can be honest with them that you made poor choices and mistakes that you regret, that you are sorry for. This models for them that people can take responsibility for their actions, learn from them, and change.

While you cannot change your past, you can decide to change your future—and you can help shape theirs.

Children need to know they matter enough to you to be involved. The actions and behaviors of fathers can have a powerful influence on the way their children think, the beliefs about life that they form, and their views of life.

**Examples:**

**Education and learning.** You can show your children that you value positive things in life. Show your child the value of education by getting your high school diploma or GED, taking vocational courses, college courses, and enrolling in classes available at your facility or taking a correspondence course. It is never too late to return to school, inside or outside of prison. It will expand your knowledge base, give you opportunities to learn new concepts, and show your children that you value learning and growing through education.

One thing that children enjoy is when their parents are interested in and willing to read the same books they are reading. If possible, read some of the same books that your children are assigned to read in school. As an interested father, you can discuss these books with them in visits, phone calls, and letters.

**Relationships.** You demonstrate how you value their mother, or other caregivers by staying in touch with

them, whether it is through phone calls, letters, or visits. Even if you are not still in a romantic relationship with their other parent, you can do your best to maintain a good relationship with them for the sake of your children. You can set a positive example by treating your children, their other parent, and other caregivers and family members with consideration, kindness, and respectful conversation, even in disagreements.

**Demonstrate you are interested in them and want to be in their life.** If your circumstances permit, you can show that you value your children by staying in touch with them by writing letters or postcards to them, drawing pictures, writing stories for them, and talking to them on the phone or in video visits (or in person when possible).

Children love getting paper mail through the Postal Service. Even if it is on a postcard. They see their name on it in your handwriting. It is a symbol that they are important enough to you for you to take the time to write to them and let them know you are thinking of them. You can tell them some of the more positive things you are doing. Do you sing in a choir, do you play an instrument, are you crocheting blankets for children at the hospital, are you working to make license plates they see on cars in Utah? Tell them about it! Letters and cards can be kept and re-read when your child is missing you to help them feel closer to you.

When writing letters or talking on the phone, pay attention to what is important to your child and remember to ask about it and follow up on it in other calls or letters. Remember to share your support and how proud you are of them when they have a success in their life, no matter how small!

I know of one father who was unable to have contact with his sons due to his privilege level and housing assignment, so in addition to writing them letters every week and sending them drawings, he hand wrote and illustrated an entire Christmas story for those little boys and mailed it out to them. This story has been cherished by his sons even after this father reunited with them.

Stay informed about their progress in school and other activities. This matters. If you find out that your child is struggling in any area of their life (home, getting along with siblings, schoolwork, playing well with others), you can be supportive and encourage your child's caregiver to talk to important people in your child's life (the doctor, the teacher and school counselor, coaches, etc.) to explain the situation that your child is living with having you in prison. This way they can work together to come up with ways to give your child extra attention, coaching, or support when needed.

**Be their emotional support.** Kids need guidance when they face struggles at home and at school. They might not understand their feelings and why they argue with siblings or friends. They may feel inadequate or

unworthy if they didn't make a sports team or dance production or cheer squad. They might struggle with a difference in how they learn - also known as a "learning disability". Situations like these often lead to deeper conversations about what matters most and how to accept the current situation and how to express their feelings in a way that considers everyone involved.

***If you have spiritual beliefs, you can be a role model for living your beliefs.*** You can influence them spiritually. You can do things like memorize an encouraging verse from your holy book together and discussing it with your children. You can talk with them honestly about your beliefs and your relationship with God (or your higher power) and the role your supreme being plays in your life. Doing this gives them unspoken permission to talk to you about their struggles and beliefs they may be facing.

**What if you are unable to be in touch with your children at all?** Sometimes the mother or other caregiver finds contact too logistically difficult, to arrange visits, or the courts have forbidden contact. Sometimes the relationship with the custodial parent is toxic and not conducive to involvement on a regular basis with your children. Maybe the children are living with relatives who haven't revealed all the facts about your imprisonment. Maybe the children feel too hurt or resentful to speak with their dad.

If you aren't able to contact your children, there are some ways to gain peace and improve your outlook.

**Focus on your own personal growth and change process.** Be here, now. The past cannot be changed. Today, make pro-social, healthy decisions. Remember that whatever choices you make now will directly impact your future. If you work on improving yourself now and becoming the best possible man you can be now, in the event that you do reunite with your child, you will be someone you can be proud of your child meeting.

**Write letters to your children, even if you can't send them.** Liz Stanosheck, a Prison Fellowship® area director in Nebraska recommends you not be afraid to be vulnerable. Write how much you love and miss them. Avoid blaming others for your incarceration or speaking negatively about the other parent or caregiver. If you don't know where to start, start with simple thoughts and feelings based on the age your child is. Hold on to the letters; just putting your feelings in writing can be very healing. If you ever reestablish contact in the future, you can decide if you want to mail them or share them with your children when you are released.

You can't change your past, but you can change your future. And you may be able to be a positive impact on the future of your children.

\* Inside Journal is a quarterly publication from Prison Fellowship that is offered to correctional facilities and can be printed off and sent in to incarcerated loved ones that offers supportive and quality guidance and ideas for incarcerated individuals.

<https://www.prisonfellowship.org/resources/inside-journal-archives/>

### **Brief Summary of "An In-Depth Follow-Up of Healthcare in State Prisons"**

Summarized by Molly Prince, LCSW

On April 12, 2023 the Office of the Legislative Auditor General presented *An In-Depth Follow-Up of Healthcare in State Prisons* [Report #2023-01]. Deputy Auditor General Brian Dean and Audit Supervisor Nicole Luscher presented the findings to Utah's Legislative Audit Sub-committee. This was a follow up to the recommendations made in the original Audit on Healthcare in State Prisons released in December 2021. It is available at:

<https://le.utah.gov/interim/2023/pdf/00002542.pdf>

The previous audit raised concerns about systemic problems within the Clinical Services Bureau (CSB) also referred to as Medical in Utah's two prisons. These problems included a lack of follow up on patients and health issues, lack of patient monitoring, inadequate monitoring of diabetic patients, insulin distribution not meeting professionally recognized medical standards, and a need to improve administrative oversight. There were 16 recommendations identified in the 2021 audit which included 13 for CSB and three for the UDC administration. This audit reviewed all but three of the recommendations. The three not addressed require a review by someone with a medical background. The

report states, "we did not procure a medical consultant for this follow-up audit; therefore three of the previous audit's 16 recommendations require additional follow-up by DHHS medical staff." This is due to the administrative changes that are occurring since the oversight of CSB is being transferred to the Utah Dept. of Health and Human Services (DHHS) for review.

The auditors noted that this follow up audit served as a catalyst for improvement in various areas as CSB management took corrective action based on the regular update meetings it had with the Audit team. The report indicates that the current implementation statuses are a "significant improvement from initial observations" which this current audit review began (page 1).

**Not all of original audit recommendations have been implemented.** The Audit found that not all of the recommendations have been fully implemented. This was discouraging because in the October 19, 2022 UDC report to the Law Enforcement & Criminal Justice Interim Committee by UDC, it was indicated that 11 recommendations from the 2021 Audit were reported as "implemented." However, this Audit found that nine of

those 11 were either still in process or only partially implemented at that time. (Page 3)

Please note that the term implementation indicates the changes have taken place, versus simply considering them or planning how to implement them. This discrepancy was stressed by the Auditors reporting to the legislators in the legislative committee meetings in which they have presented.

Page 4 of the Follow-up Audit states, "Although management, including senior management, have been working to correct these issues, we found that most of the problems still persist." The Auditors also note that there have been several changes in administrators in the CSB that had an impact on progress of changes.

This Audit found that the CUCF prison has shown improvements including a 3<sup>rd</sup> diabetic pill line and ensuring that all new intakes are seen for medical assessment within the 7-day accreditation standard of the National Commission on Correctional Health Care (NCCHC). Therefore, this follow-up audit focused on USCF in Salt Lake City, unless otherwise indicated

Chapter 2 of this Audit shares findings that led the auditors to identify UDC as having a "culture of non-compliance and lack of accountability" in terms of complying with the 2021 Audit recommendations, and professional guidelines for delivery of healthcare to incarcerated persons.

***Recommendations, UDC Reported Status and Findings from OLAG.*** (Recommendation numbers are from the original audit report; "In Process" means it is being worked on but not fully implemented).

2.1 Ensure that all recommendations are adequately implemented. The Audit found this is "in process" and the UDC reported the same. The Audit report states that.

2.2 Launch an internal review to determine if additional changes regarding operations and/or staff are needed. This Audit and UDC both reported this has been implemented.

2.3 Define the term "monitor" in patient charges with specific parameters on a case-by-case basis. UDC reported as implemented in October. This item has been referred to DHHS for follow-up to determine if this is the case.

2.4 Increase oversight to ensure that appropriate case-by-case patient follow-up procedures are being completed. UDC reported this as implemented in October 2022. This recommendation has now been referred to DHHS medical team for follow-up to determine compliance.

2.5 Ensure that all patients have access to: a) appropriate and timely clinical judgements rendered by a qualified healthcare professional; and b) correct

treatments and medications for corresponding diagnoses. The October 19, 2022, update by UDC to legislators indicated this has been implemented. This Audit team referred to DHHS for needed follow-up to verify if processes for these recommendations are in place.

2.6 Follow internal policies and professionally recognized standards regarding the administration of insulin and the oversight of diabetic inmates. The UDC had reported to the legislature on October 19, 2022, that this was "implemented" but the 2023 Audit found this is still "in process." According to the auditors, regulating Inmates with diabetes continues to be problematic. The new Audit states on page 6, "It is concerning that the time gap between insulin distribution and mealtime has grown since the previous audit." This is not in compliance with professional standards recommended by the American Diabetes Association. Page 7 of the Audit states "the 2021 audit documented diabetic inmates waiting more than 92 minutes between insulin and mealtimes. This follow-up review saw inmates waiting around 110 minutes." The Audit recommends that UDC and DHHS "should continue to work to ensure that all recommendations are adequately implemented."

2.7 Create policies and procedures to effectively manage nutrition and care for diabetics during disruptions or delays to the normal schedule. Both UDC and Audit report policies and procedures have been created. The Follow-up Audit states that at the beginning of this in-depth follow-up, the auditors found that internal policy amendments were NOT sufficient, incomplete, and failed to communicate critical updates to custody staff. As a result of this audit, internal policy was amended with input from custody division, to "develop a well-defined process to care for diabetic inmates during disruptions or delays to the normal schedule." (Page 8)

2.8 Develop policies that help the organization be more compliant with CDC standards regarding medical issues such as the COVID-19 pandemic. Both the UDC and the Audit report this has been implemented. It is noted in the new audit that CSB management met with experts from DHHS to adjust and improve the newly created COVID-19 pandemic policies and procedures, which is reported to have been completed.

3.1 Ensure the use of EMT's is consistent with statute and best practices, and that nurses or qualified medical professionals are used when required. The UDC reported in October 2022 that this had been "implemented," but this follow-up Audit found it is still "in process." According to Chapter 3 of this Follow-up Audit, auditors became concerned that EMT's were still not receiving appropriate supervision and oversight as required by Utah *Administrative Rule* for the tasks they were assigned. This was evidenced by lack of documentation for controlled substances, administered medications, and insulin. The auditors expressed that

opportunities exist to increase supervision and monitoring that EMT's receive to be consistent and compliant with the *Administrative Rule* requirements. This will be explained in more detail in a future UPAN newsletter.

3.2 Ensure that personnel in the Clinical Services Bureau fully comply with required NCCHC standards. UDC reported it was "in process" in October, 2022 and this Audit found it is still "in process" as of April 2023. Page 10 of the report explains that the National Commission on Correctional Healthcare is the official accreditation body for the Utah Dept. of Corrections. *Utah Code 62-13-39* requires the UDC to apply for and meet all accreditation requirements set forth by NCCHC. There are 29 essential standards and 21 standards classified as important. NCCHC is reported to accredit facilities that demonstrate 100% compliance with the essential standards and 85% compliance with the applicable important standards. There were 7 essential standards found deficient in the 2021 Audit and in need of correction. A report in a future UPAN newsletter will detail these as found in the 2023 Audit.

3.3 Ensure compliance with statute regarding the protection of personal health information. UDC reported previously that this had been implemented however this Audit finds it was not yet being practiced so gave it a status of "in process." The current auditors found personal health information (PHI) relating to medical, mental health, and dental in the dumpsters of three different facilities at USCF over a 12-week period. In addition, an unlocked biohazard bin was found in an unsecured area of the prison. This Audit found that CSB management has been proactive in attempting to correct the PHI issue, but medical staff continue to fail to follow these directives, suggesting that the root cause of continued failure to appropriately protect PHI and secure biohazard containers comes from staff's disregard for rules and policies. This continues to be a concern.

3.4 Follow the inmate handbook regarding copays for mental health services. The UDC reported in October 2022 that this was already implemented; the Audit finds it is still "in process." This Audit found that between January – June 2022 there were at least 6 instances of inmates being charged co-pays for mental health services, which are supposed to be provided at no charge according to the handbook.

4.1 Follow Utah *Administrative Rule* when implementing incentive programs. Both the UDC and the new Audit classify this recommendation as implemented. This is regarding retention incentives for staff and the concerns have been corrected. UDC Division of Finance now sends an annual report on how all funding was allocated to the Office of Legislative Fiscal Analyst. It was found this report does not offer enough detail but is a step forward. This Audit recommends greater detail in the report.

4.2 Be transparent with the Legislature in how program funds are being used. UDC indicated this was "implemented" in October 2022. As of April 2023, the Office of Legislative Auditor General found it to be "partially implemented." This will be detailed in a future newsletter article.

4.3 Create meaningful performance metrics that reflect program activity. UDC had previously reported this was "implemented" but the new Audit found it is still "in process." This will be explained in a future article in the UPAN Newsletter.

4.4 Ensure that the Clinical Services Bureau's formulary, procedures, policies, and training materials are up to date. The UDC had reported in October this was "implemented." However, the 2023 Audit found it to still be "in process." CSB is required by NCCHC to review its healthcare policies and procedures each year. This had not been done prior to 2021 for several years. The NCCHC defines a formulary as a written list of brand name and generic prescription and nonprescription medications that are approved to be prescribed and ordinarily available to authorized prescribers, including consultants, working for the facility. Since that audit, the policies and formulary have been updated but the procedures and orientation manual were not yet updated as of April 2023. Due to many changes including moving USP to USCF, it is important to get these documents updated as soon as possible!

On Wednesday, May 17, 2023, the UDC and the Utah DHHS appeared before the Law Enforcement and Criminal Justice Interim Committee to respond publicly to this follow-up legislative audit of healthcare in Utah's prisons.

Tracy Gruber, executive director of the Utah Department of Health and Human Services states, "These audits are very important. And although audits like this aren't comfortable, we're confident that there is a path forward, not only to comply with the audit's findings and recommendations, but also to do right by individuals who are incarcerated."

The UPAN MedTeam is in regular communication with administrators from DHHS involved in the transition of oversight of Clinical Services Bureau. UPAN is hopeful that the transition to oversight of Utah's prison medical services to the DHHS will evolve into improved delivery of medical services, follow up, and treatment for all of those in the care and custody of the State of Utah.

This summary by no means includes all the information we want to share from the Follow-up Audit on Healthcare in State Prisons in Utah. More articles in future newsletters will address various components in more detail.

***"Every son quotes his father, in words and in deeds." Terri Guillemets***

**“A father’s words are like a thermostat that sets the temperature in the house.” Paul Lewis  
UDC and DHHS Sponsored Listening Sessions for Healthcare on May 15 and May 19**

By Molly Prince, LCSW

The Utah Department of Corrections and Division of Health and Human Services held an online listening session on Monday May 15, 2023 for families and the public to give feedback (both positive and negative) and ask questions regarding prison medical care. It held a second online question and answer session on Friday May 19<sup>th</sup> for community stakeholders and advocacy groups to share their observations and concerns with the UDC administration and DHHS leadership that is involved in the transition to oversight of Clinical Services Bureau in UDC over both prisons.

Some UPAN directors contributed feedback, questions, and experiences in the May 15<sup>th</sup> session along with community / family members. Various medical, mental health, dental, and eye care concerns were discussed in both meetings.

Other UPAN directors joined and offered concerns on the May 19<sup>th</sup> session. The new UDC Director Brian Redd was present in this session as well.

Concerns shared included (but are not limited to) the following:

Recommendations from community physician specialists are still not being followed up by CSB in a timely manner.

The lack of timely and adequate dental care and lack of dentists working in both prisons.

The need for timely, adequate, and appropriate mental health care to be available to all incarcerated persons.  
The need for better coordination between UDC and U of U Hospital to notify and provide info to families when inmate patients are hospitalized, unconscious, or dying.

The need for a real long-term care and hospice program in USCF that can train and employ inmates that qualify to be hospice orderlies.

The need for coordination between UDC and U of U when an incarcerated patient is dying to allow multiple visits from family members. (We are told there is going to be a meeting later in June about this with U of U.)

The need for a contract with a traveling optometrist to go to county jails to serve state IPP inmates rather than transporting them to USCF which results in missing programs and potential loss of jobs in the jails if they are gone for more than a couple of days.

Medication issues and  
Problems with ICRs.

The DHHS administrators shared their appreciation and in some cases we shared concerns they are already looking at those issues, including the lack of dentists and mental health therapists.

UPAN families appreciate the opportunity to participate in these meetings and there are plans to hold more in the future, as we understand it.

**“Fatherhood is a marathon, not a sprint.” Paul Lewis**

***“The greatest mark of a father is how he treats his children when no one is looking.” Dan Pearce***

**Response to the BOPP Audit from the Utah Board of Pardons & Parole  
Summarized by Heidi Kubbe, Director of BOPP Issues**

**This article is referenced and quoted directly from [https://olag.utah.gov/olag-doc/2022-14\\_RPT.pdf](https://olag.utah.gov/olag-doc/2022-14_RPT.pdf)**

*This response from the BOPP is shared here after the 5-part series in printed in UPAN News between January and May 2023 of the Audit of the BOPP. This response is published at the end of the Audit Report at the above link. Entitled: A Performance Audit of the Board of Pardons and Parole #2022-14 dated November 2022.*

The **response** from the BOPP states, “The Board of Pardons and Parole has made tremendous strides in improving operations and openness, thanks in part to an audit conducted by the Legislative Auditor and released in 2016. Prior to that time, the Board conducted its work using thousands of individual paper files, with little plan or funding for moving to an electronic records system. At that time, the Board didn’t have data specific to our work that would allow for future planning or to identify positive and negative trends associated with our work.

Looking forward only six years, to 2022, changes in the Board’s operations and processes are notable. An electronic records system is on the verge of replacing

the paper processes used historically, and that system has been built from the ground up while utilizing and integrating many existing resources available through agency partners. Over a million pages have been scanned, uploaded, and categorized, allowing electronic access to information that previously required accessing physical files contained within a large file room. Today, all Board hearings are streamed live to improve both accessibility and transparency. Decisions made by the Board can be found online in real time, and the schedule for future hearings can also be found online with real time updates. However, as this audit notes, there remain areas where the Board can and will further improve our operations.



**Editor's Note:** The following is the list of **Audit Recommendations to the BOPP** (as shown in the UPAN Newsletter, May issue), and now the **BOPP responses** to those recommendations. For space consolidation and avoiding the monotonous repetition of the word "**Recommendation**", and the phrase "**We** (meaning the auditors) **recommend the Board of Pardons and Parole**", they are **not repeated** each time (**fourteen of fifteen times**).

This Audit Report made the following fifteen **recommendations to the BOPP**, except in – 2.2 below. The numbering convention is **audit chapter number and recommendation number within that chapter**. Other than these adjustments, this is Audit Report language (obviously! Ed.). End of editor's note.

## **Chapter II: The Board's Paroling Philosophy is Not Clearly Documented:**

- **2.1** Update its policy to ensure it encompasses all parts of its guiding philosophy, including public safety, and make the policy publicly available.

**Response:** The Board supports the recommendation to update its policy with its guiding philosophy and will work to ensure this is more fully realized. Although current Board policy expressly identifies public safety as a "priority objective" in decision making, the Board looks forward to further highlighting this for the public and policy makers. Additionally, the Board is currently working to update its policy, most of which has been out of date. Not only are we meeting weekly and working on policy updates, but we are also establishing processes to ensure policy is regularly reviewed and updated. As an agency, the Board has already started work related specifically to this recommendation.

- **2.2** We **recommend the Legislature** consider amending statute to include language that prioritizes public safety.

**Response:** The Board supports this recommendation. As noted in response to the first recommendation in this chapter, the Board prioritizes public safety and agrees that making this clear to the public and policy makers is essential. Our agency stands ready to work with the Legislature on this item when needed.

- **2.3** Revise the rationale sheet and ensure that it is clear and direct, providing meaningful information to inmates.

**Response:** The Board fully supports this recommendation and is making strides to update and improve its rationale sheet. The Board is building an electronic rationale sheet as part of the Voting & Decision Module that will be automatically associated with the decision in the new computer system. This new rationale sheet will allow for the selection of standard rationale that will populate and can be customized with specific direction or information for the individual. The rationale will then be included as part of the official Board order. The new rationale sheet is in the process

of being programmed, and it is anticipated it will be released in 2023.

- **2.4** Analyze parole decisions for consistency.

**Response:** The Board appreciates this recommendation and is working towards creating capacity to accomplish it. With the creation of the electronic system, the Board is now able to begin analyzing decision outcomes for alignment with the sentencing guidelines. Additionally, as the final electronic system module is released and data becomes available, we will be able to more fully analyze decision consistency across time and by factors. The Board looks forward to continuing to make progress and improvement in this area.

- **2.5** Amend the structured decision-making tool as further evidence-based information becomes available.

**Response:** The Board supports this recommendation and looks forward to incorporating further evidence-based practices as they become available. As a result of the previous audit, the Board implemented a structured decision making framework. This structured decision-making framework has been built into and integrated with the Board's new electronic decision-making process and acts as a guide to decision makers. Additionally, the Board has received training from the National Institute of Corrections and the National Parole Resource Center on the implementation of the structured decision-making framework. The Board looks forward to incorporating new advances in evidence-based practices as they are identified and become established in the field.

## **Chapter III The Board Has Made Significant Improvements Since Previous Audit but Operational Opportunities Still Exist**

- **3.1** Update its policies and procedures to include up-to-date responsibilities for current positions and revise as necessary.

**Response:** The Board accepts and appreciates this recommendation and is working to update its policies and procedures. The Board is currently in the process of updating all of its policies and procedures. This includes revising policy to reflect individual positions, as well as the responsibilities of those positions in our agency. The current policy noted in this audit doesn't include several current positions at the Board, and the responsibilities for many positions do not reflect the current responsibilities. The Board has initiated work on accomplishing this recommendation and is establishing a process for timely review of each policy.

- **3.2** We recommend that the Board of Pardons and Parole should create a management plan that outlines relationships between the oversight body, management, and personnel and formalize it in Administrative Rule.

**Response:** Work on this recommendation is already underway. The Board has initiated a review of the management plan included in Administrative Rule for the Utah Tax Commission. With this review, the Board will identify a management plan structure that best suits our

organization and operations. Once complete, the plan will provide a clear outline of the relationship between the Board Chair and the Board Director of Administrative Services. When the management plan is finalized, the Board will add it to our Administrative Rules to ensure it is formalized and transparent to the public.

- **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.

**Response:** As noted within this audit, the Board's current strategic plan requires updating. Leadership and staff of the Board will follow the Governor's Office of Planning and Budget's "Guide to Strategic Planning" which was updated in July 2022. Following this guide will help ensure the Board is following a similar planning process in use by other Executive branch agencies. Once complete, the Board will work to regularly review and update the strategic plan and make it available on the Board's public website. The Board will ensure the plan reflects current and ongoing challenges and goals, includes specific strategies to meet those goals, with ties to performance metrics that allow the Board and the public to see the impact those strategies are having on the identified goals.

- **3.4** We recommend that the Board of Pardons and Parole identify its most important targeted performance measures and link them to specific goals.

**Response:** The Board fully supports this recommendation and has been working extensively since the last audit to improve both its capacity to collect and analyze data and the outcomes and measures reported. The Board appreciates the support of the Legislature in funding the new electronic system, and we have used data from this new system to measure performance in such areas as: recidivism measures, parole violation returns, reasons for warrants, and alignment between board outcomes and sentencing guidelines. Additionally, the Board now utilizes these measures to determine progress, to identify areas of needed improvement, and to inform policy discussions. This would not have been possible without the transition to an electronic system funded by the Legislature. The Board will work to further expand in this area by selecting the most relevant performance measures and linking them to specific goals, such as those in the strategic plan.

- **3.5** Continue to work with the Department of Technology Services to implement its O-Track Electronic File Management System and execute additional modules as necessary.

**Response:** This is an essential recommendation for the Board. The Board has completed eleven of the twelve modules for the transition to electronic records in O-Track. The final work to move our agency away from paper files and to electronic records is expected to complete in 2023.

Once that work is completed and released into production, the Board will be able to conduct its general processes electronically and provide additional data on key performance measures and outcomes. After this is completed, similar to other agencies with electronic systems, the Board will continue to update and improve its electronic system and other parts of its system, such as pardons, with additional modules and projects. The transition to electronic records has been a monumental project that has allowed the Board to make great strides in multiple areas, such as measuring alignment with sentencing guidelines, measuring recidivism rates, improving consistency among decision forms, implementing a structured decision making framework, and making a data dashboard available on the public website.

The Board is highly appreciative of the legislative support provided in this area and looks forward to further enhancing our electronic records capacity in the future.

#### **Chapter IV The Public Still Lacks Key Data Elements and Information on Board's Operations**

- **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, and aggregate reasons for departure from the sentencing guidelines.

**Response:** The Board supports this recommendation and is working to provide additional data publicly on its website as it becomes available through the new electronic system. Currently, the Board provides multiple points of information through a public data dashboard that is updated weekly on the website. We will also work toward providing this additional information publicly as outlined in the recommendation.

One area of this recommendation that may require some time is the reason for departure from the sentencing guidelines. This is information that will be captured in the new electronic rationale sheet that is scheduled for release in 2023. Due to the way databases are structured, it will take some time for sufficient data to accrue in the database before it can be analyzed. However, the Board is designing and creating a system that will allow for this type of reporting in the near future. We are committed to providing quality data to the public, and the work now being done will continue as the Board focuses on accomplishing this recommendation.

- **4.2** Continue to make its strategic plan publicly available and update it to include what was discussed in Chapter III of this report.

**Response:** Please see the Board's Response: to Recommendation 3 in Chapter III of this audit report.

#### **Chapter V The Board of Pardons and Parole Should Determine If Its Processes Follow Due Process and Probable Cause Standards**



- **5.1** Evaluate its existing processes to ensure best practices are incorporated and in compliance with probable cause and due process standards.

**Response:** The Board is committed to regular and ongoing review of its processes, including the potential impact of current and new case law.

- **5.2** After a thorough review of its policies and practices, bring any necessary statutory changes to the Legislature for consideration.

**Response:** As the Board conducts its ongoing reviews,

any items surfacing that may need statutory adjustment will be brought to the Legislature.

- **5.3** Its regulatory framework outlined in Administrative Rule to ensure consistency with current and future statutory provisions.

**Response:** The Board continually reviews and updates its Administrative Rules. As adjustments are needed, the Board will engage the proper Administrative Rules processes. The Board also works closely with the Attorney General's Office to ensure compliance with all laws and requirements and will continue to do so."

## *Dell-Emerald Topics* **Correctional Postnatal and Early Childhood Advisory Board Required by HB429**

Summarized by Molly Prince

This is a follow-up article to the May 2023 article on HB 0429 PREGNANT AND POSTPARTUM INMATE AMENDMENTS which passed this year establishing an Advisory Board to oversee UDC's implementation of the Mother and Child Program.

<https://le.utah.gov/~2023/bills/static/HB0429.html>

**Members:** The advisory board is mandated to consist of the following members:

- (a) two individuals from the Department of Corrections, appointed by the UDC Executive Director;
- (b) one individual appointed by the Board of Pardons and Parole; and
- (c) six individuals appointed by the executive director of the department, including:
  - (i) two individuals from the department with experience in childcare licensing;
  - (ii) two pediatric healthcare providers;
  - (iii) one individual with expertise in early childhood development; and
  - (iv) one individual with experience advocating for incarcerated women.

Each member will be appointed for a four-year term. If a member is unable to complete their term, they will be replaced by another member. A member that is appointed to complete an unexpired term may complete the unexpired term and serve a subsequent four-year term. Appointments and reappointments may be staggered so that one-fourth of the advisory board changes each year.

Members of this advisory board will not receive financial compensation or benefits for their service, but may receive per diem and travel expenses that are defined in other sections of the Utah Code.

A chair and co-chair will be elected annually by the members to serve a two-year term.

**Frequency of meeting.** This advisory board is required to meet bi-annually (twice a year) at a minimum. It will meet more frequently if the executive director, the chair, or 3 or more members of the advisory board requests it. (It will be interesting to learn how frequently these board members feel necessary to meet to make sure this program is put in place and moves forward.)

### **Tasks of the advisory board:**

- 1) Review research regarding childhood development and best practices for infants placed in a nursery located within a secure correctional environment.
- 2) Study the benefits of having a nursery for infants and incarcerated mothers located within a secure Correctional environment and the benefits of placing an infant or incarcerated mother in a diversion program removed from a secure correctional environment.
- 3) Study the costs of implementing a diversion program for infants and incarcerated mothers removed from a secure correctional environment.
- 4) Create a provisional plan for implementing a diversion program for infants and incarcerated mothers removed from a secure correctional environment
- 5) Advise and make recommendations to the department regarding rules and policies for any nursery established by the Department of Corrections to provide space for incarcerated mothers and infants.

### **Other possible tasks include:**

At the request of UDC, consider extending the age that qualifies an infant for a nursery based on individual specific circumstances of an infant and incarcerated mother. If qualified, this extension could be up to 24 months if it is found to be in the best interest of the infant, and without the extension the infant would be separated from the incarcerated mother while the mother remains in the facility; or allow an incarcerated mother who has committed a violent felony be provided space in a nursery if it is in the best interest of that mother's infant.

**Report of the research** and study including any proposed legislation is due on or before November 30, 2024. This report will be provided to the Law Enforcement and Criminal Justice Interim Committee; and the Executive Offices and Criminal Justice Appropriations Subcommittee.

**Creation of Rules governing the program.** After receiving recommendations from the advisory board the UDC will adopt rules under the Utah Administrative

Rulemaking act for the purpose of certification of a nursery established in a secure correctional environment.

These Rules will address the safety of the nursery for infants and incarcerated mothers; the childhood development needs of the infants in the nursery; the specific medical needs of the infants and incarcerated mothers in the nursery; the appropriate needs of the incarcerated mothers in the nursery; and any other requirements recommended by the advisory board that the UDC deems necessary for the nursery.

**D-E Fun Time:** First appeared in Oct 2022, then in April 2023, as additional entertainment **especially** for the **D-E group** (but just as **entertaining for all UPAN Newsletter readers**). Here are more T-shirt sayings (from Lilicloth) to smile over, laugh about, and maybe agree with. Ed. Lilicloth Says:

I didn't mean to push all of your buttons, I was just looking for Mute ~~ No, I can't do Snapchat or TikTok, but I can write in cursive, do math without a calculator, and tell time on a clock with hands ~~ Of course I talk to myself, sometimes I need expert advice ~~ My people skills are just fine, it's my tolerance of idiots that needs work.

### **New Department of Corrections Executive Director Brian Redd**

By Warren Rosenbaum

The UDC now has a new Executive Director, Brian Redd, a former chief special agent with the Dept. of Public Safety. Nominated by Governor Cox, Redd received the Utah Senate's approval and began his service as the new Executive Director on May 15<sup>th</sup>. His qualifications for the job are reported as exemplary. Comments about his character include, "an incredible man who has shown high integrity, compassion, wisdom, and an unimpeachable character." He is reported to be very open to listening and working with diverse voices and opposing viewpoints. Director Redd is expected to bring positive changes to the DOC with a focus on problems at the new Utah State Correctional Facility (USCF). He has already joined the DHHS / UDC public listening sessions about UDC Medical the first week on the job! We wish him well.

### **UPAN Newsletter Celebrates 9<sup>th</sup> Anniversary!**

**Time to toot our horn a bit (again).** This June newsletter is our **9<sup>th</sup> Anniversary** issue. A little history: at the May 2014 meeting of UPAN, which began in July 2013), Molly Prince asked me to start a monthly newsletter.

We began modestly in June 2014. For you mathematical wizards who say, "Wait a minute, the May issue should have completed 9 years", you are correct, however we combined the Nov & Dec 2014 issues into one issue, so we only published 6 issues that year, not seven as seems mathematically correct. The newsletter quickly became a 10-page publication averaging about 7,500 words per issue. During these nine years, we have published about 778,000 words, equivalent to 8

and a half books (non-fiction, of course!), of 90,000 words each and containing 316 pages with 285 words per page.

In spite of the hours and hours invested in the newsletter every month, I'm sure I speak for Molly too when I say that we have enjoyed bringing information to families of incarcerated men and women, helping them with their prison journey – and hopefully being a source of information and hope to inmates, their families and friends who have been caught up in the Criminal Justice System. We wish you a wonderful future!

Warren Rosenbaum (aka Ed.)

***"Becoming a father, I think it inevitably changes your perspective of life." Hugh Jackman***

**Couple of Smiles and Maybe a Laugh** The man who invented knock-knock jokes should get a no bell prize ~~ A blind man walked into a bar.. and a table.. and a chair.. and some people ~~ Geology rocks, but geography is where it's at ~~ Despite the high cost of living, it remains popular ~~ Communist jokes aren't funny unless everyone gets them.

Mothers in May, Fathers in June, incarcerated, many families without a parent. UPAN seeks to help. Stay Cool! Ed.

### **Utah Prisoner Advocate Network Contact Info**

#### **Our Contact Information:**

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P. O. Box 464, Draper, UT 84020

Website: UtahPrisonerAdvocate.org  
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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**