



**UPAN Newsletter** Volume 4 Number 7 | JULY 2017

*“Empowerment and Growth Through Knowledge and Unity”*

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**Moving Forward: SOTP & BOPP Updates & “More”**

**NEXT UPAN MEETING: MONDAY, August 14, 2017, 6:30 – 8:30 p.m.**

**Kafeneio Coffee House 258 West 3300 South, Salt Lake City**

**TOPIC: SOTP Auditors will be our guest speakers. Free and open to the public.**

**SEPTEMBER UPAN MEETING: Monday, September 11, 2017 6:30 – 8:30 p.m.**

**Kafeneio Coffee House 258 West 3300 South, Salt Lake City**

**TOPIC: Screening of *Not for Rent!* documentary. Free and open to the public.**

**FOCUS MEETING: NO AUGUST FOCUS MEETING**

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

*“Some people come into your life as blessings. Some people come into your life as lessons.”* Mother Teresa

*“Progress lies not in enhancing what is, but advancing toward what will be.”* Kahlil Gibran

*Progress is impossible without change, and those who cannot change their minds cannot change anything.*  
*George Bernard Shaw*

**"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

## **Lifer's Group Inc of Norfolk Massachusetts Seeking Information Promoting Reforms**

The Lifers Group, Inc. (LGI) of Norfolk, MA is a non-profit organization formed by the prisoners who have 15 or more years to serve in MA Correctional Institution at Norfolk. It was originally formed in the 1960s. It has recently been reorganized and is seeking information from other state prisons pertaining to Prison Hospice Care, Assisted Daily Living Units and other long term medical care and other facets of prison life.

### **Working With Howard Univ. Expanded Student Staff**

The Lifer's Group is currently working with Howard University's Prison Legal Assistance Program (PLAP) who have expanded their student staff from 17 to 70. They also are working with Prison Legal Service (PLS) with a focus on changing public safety policy, parole commutation, and prison issues.

### **NOT Forever Defined By Their Worst Moment**

LGI embraces education, penal and parole reform, and programs recognizing that victims, victim survivors, and offenders must move toward healing to become whole. They also seek to support a justice system that helps to reintegrate prisoners into society while addressing the underlying factors which promote crime. Their literature states "We do not believe that anyone should be forever defined by their worst moment. We take responsibility for our actions and acknowledge that our worst moment resulted in the loss of life, pain and suffering to victims, their families, and to the community. We are dedicated to atoning for our crimes."

LGI has identified goals as a response to the change in the Massachusetts' DOC's philosophy which has resulted in the loss of meaningful and contributing roles within the prison for lifers and long-term inmates. Similar to what is currently happening in Utah, the MA has diminished opportunities and resources previously available to Lifers, even those eligible for parole and possible release. Based on this, their goals include:

- 1) **Education and Training** including educating the public, bringing in guest speakers and providing information to prisoners concerning rehabilitation and programming.
- 2) **Parole and Commutation** by assisting members to prepare parole or commutation paperwork, helping members understand the parole or commutation processes, and tracking parole and commutation decisions,

**"When you begin to realize that your past does not necessarily dictate the outcome of your future, then you can release the hurt. It is impossible to inhale new air until you exhale the old." - T.D. Jakes, pastor/author, *Healing Wounds of Past***

*"And let us not grow weary of doing good, for in due season we will reap, if we do not give up." Galatians 6:9*

**"Rock bottom became the solid foundation on which I rebuilt my life." J.K. Rowling - author**

- 3) **Legislation and Litigation** This goal involves working toward the passage of a bill for parole eligibility after 25 years for first-degree lifers, challenging the current absence of Commutations for lifers in MA; instituting efforts to develop and maintain contacts with lawmakers in the state and to encourage passage of fair legislation affecting all prisoners. Working for compassionate release of the aged, infirm, or terminally ill prisoners who pose no danger to society, working to restore voting rights to all prisoners, and other issues.
- 4) **Medical Issues** LGI is working to improve care and programs for elderly and infirm inmates, including hospice care and assisted daily living units.
- 5) **Jobs** Expand prison job opportunities for long-term prisoners and lifers, with an increase in pay rates for skilled long-term prisoners and lifers who contribute to maintenance and educational needs at MCI-Norfolk. Reintroduce avocation opportunities for long-term and lifers.
- 6) **Program Opportunities** Introduce new and more effective programs, including academic, computer, and vocational opportunities for lifers and long-term prisoners. Work to reduce excessive program waiting lists and delays for lifers and long-term prisoners to be accepted into such. Restore the Norfolk Lifers Group arts programs.
- 7) **Family Relationships** Reintroduce Family and Friends Events designed to maintain & strengthen community bonds. Introduce additional family relationship programs for Lifers and long-term prisoners.

### **And Some Miscellaneous Info Requested**

In addition to seeking information regarding hospice and long-term care programs currently in other prisons across the country, LGI also is seeking information pertaining to Commissary/Canteen Price Lists; technology being offered in prisons/jails (tablets, MP3 players, word processors, and any limited internet access).

Please send all information to Daniel L. Holland c/o Lifers' Group, MCI-Norfolk, 2 Clark Street, Box 43, Norfolk, MA 02056-0043. If you are seeking a response or more information & cannot receive mail from another institution, please provide an alternative address. Once compiled, the information they are gathering will be posted online. Other LGI reports are available at: [www.realcostofprisons.org/writing](http://www.realcostofprisons.org/writing).

## **THE OTHER SIDE ACADEMY –** **A Chance For Repeat Offenders To Learn How To Work And Serve**

Summarized by Molly Prince from various sources

The Other Side Academy (TOSA) is helping repeat offenders learn how to live responsible, self-sufficient, rewarding and value-centered lives in the community. Most of the program participants are struggling with addiction. According to an article by Laura Giles in the Daily Herald on March 24, 2017, (see \*Source at end of this article) the program is saving Utah taxpayers about \$2.75 million per year in addition to running a successful business that contributes to the economy.

### **An Alternative To Drug Rehabilitation Programs**

Many drug rehabilitation programs last 90 days or less, which is not long enough for people to learn a new way of life. According to Giles' article as well as the TOSA website, the managing director of TOSA, David Durocher explains that 30, 60, or 90 days in rehab doesn't give the time or experience for participants to make the changes and learn the new skills needed to not only stay clean and sober, but to become successful. <http://www.theothersideacademy.com/>

According to the Daily Herald article, "TOSA is considered a school where students learn vocational, social and life skills that they can use as they cross to the other side, leaving behind a former life that was not working. However, unlike other schools, they cannot come and go as they please. In most cases, the students have come to TOSA from jail or prison and will complete the program there, rather than complete their sentences. They live at TOSA, housed in the historic Armstrong Mansion."

### **A Two-Year Commitment Required**

Students at TOSA commit to staying for at least two years, no matter how long or short their jail sentences are. They can then choose to stay longer. If they do not remain for the entire two years, they must return to jail or prison to finish their sentences. Over the past two years of TOSA's operation, some students have opted to leave the program and return to incarceration because in jail they have no responsibility and TOSA's program is a complete change of a way of life. It is hard. But it is rewarding.

The website says, "What you need to know first: 2-year commitment; costs you nothing; you will work your guts out; recognized as an alternative sentence."

The ones who stick it out may go on to help others like the eight directors of The Other Side Academy. All have similar backgrounds to their students and are graduates of a similar program, Delancey Street of San Francisco. The Delancey Street model has been proven successful over the past thirty-plus years. This program requires that those who choose to come and stay, will work hard, typically at low-skilled jobs that teach them how to become constructive members of

society. Delancey Street operates several small businesses run by rehabilitated ex-convicts, addicts and others who've hit bottom and are willing to do the hard work required to prepare themselves to lead productive lives. Provo, Utah based businessman, author, and social scientist Joseph Grenny, along with Tim Stay, formed TOSA based on the Delancey Street system two years ago and it is proving successful in Utah.

About half of the current students are from Utah County according to Durocher. While people can walk in off the street and request a chance to be involved with TOSA, most come from the judicial system. Giles reports in her article "When TOSA first began in September 2015, The Other Side Movers, a moving company, was also born. Students run the business, which has been awarded the "People Love Us On Yelp" award for 2016 and has been named one of the top professionals in the moving category on Thumbtack, based on customer ratings. The difference between this company and other moving companies is that the workers are people who have each been arrested an average of 23 times."

Another business endeavor run by the students is The Other Side Food Truck, which specializes in gourmet funnel cakes. Additional businesses include lawn care, window washing and snow removal, and in the next few months, a thrift store and storage facility will open, all run by students of TOSA.

### **General Public Bonus – NO Tax Dollars Needed**

The revenue generated from these companies funds The Other Side Academy. No tax dollars are used to fund TOSA. According to TOSA's CEO Tim Stay, the average yearly cost to taxpayers of incarceration plus going through the justice system for each person is about \$50,000. With 55 current students, that equates to \$2.75 million savings of tax dollars. (We know that incarceration in USP alone is an average of \$30,000 per year). There is no cost to the students. They bring nothing with them when they arrive from jail or prison.

CEO Stay told Giles in her article, "Not only are they learning to be movers, some are learning to be supervisors, plus planning, bookkeeping and customer service. A lot of those skills can be applied in a lot of different companies." He continued, "Even more important than a specific vocational skill – a lot are already skilled at certain crafts – at the heart of it, they are learning how to be good people who know how to work hard."

According to Durocher, most of the students come to TOSA after they have destroyed their lives. They have never experienced any type of success. Learning the skills and how to live a productive life with responsibility

provides a sense of accomplishment and identity - often for the first time in their lives.”

TOSA participants not only work, they also provide community service. This includes volunteer work for Habitat for Humanity and homeless outreach. In Utah County, they helped prepare Tabitha’s Way Food Pantry in American Fork for opening last year by donating over 200 hours helping to move thousands of pounds of food into a warehouse, as well as setting up offices for the charity.

TOSA is a success. The students are off the street, not committing crimes, their family members are not waiting for dreaded phone calls about overdoses. As of March 2017, all drug tests have come back clean since the opening in September 2015. The goal for the students is to complete the program as productive citizens and having changed at the core of who they are.

### **The Other Side Academy’s Philosophy** (taken from the TOSA website)

Extensive research into the model used by The Other Side Academy shows that behavior change comes through a rigorous and extended experience of social learning in a community that models and expects honesty, humility and personal responsibility from one another. By a process of each one helping the other, with no professionals, the students solve problems such as: generations of poverty, illiteracy, habitual criminal behavior, lack of job skills, gang affiliation, hardcore substance abuse, homelessness, perpetration of and victimization from abuse.

TOSA does not dwell on the physiological effects of drugs on the brain or attempt to psychoanalyze why life dealt them the hand it did. Ultimately, they don’t think that matters. What really matters, simply put, is if the students are tired of the life they have and are willing to put in the very difficult work necessary to create a real, legitimate, successful and law-abiding life going forward.

One of the most amazing transformations of the TOSA model is when students discover that they have tremendous and productive strengths, which may include intelligence, artistic, musical or athletic talents, wit and sense of humor, creativity, leadership skills, etc. Treatment is most effective when the individual’s strengths are used to help them address their challenges. In the active environment of The Other Side Academy, there are many opportunities to do this.

Self-help and mutual help is a fundamental part of the TOSA’s approach. Self-help means the person takes responsibility for his or her recovery; mutual help refers to people with a common problem helping each other.

The Other Side Academy follows the Therapeutic Community model. The Therapeutic Community theory is consistent with behavior theory and social learning

theory. Behavior theory holds that changing behavior can be accomplished by rewarding behavior; behavior change becomes generalized to other situations when it becomes rewarded in other ways by other people.

The Other Side Academy is an active learning environment; much learning occurs by doing. Positive and new behavior is rewarded, initially by the program and faculty, but typically students find new behaviors rewarding in many other ways as well, through the social approval of others and a sense of self-pride. The behavior then becomes established and independent of the direct rewards given by the program.

### **Who Is This For?** (taken from website)

The Other Side Academy is a school where students learn vocational, pro-social, and life skills so they can succeed on “the other side.” It is a school where students can learn marketing skills, business skills, and gain experience in various trades. It is a school where students learn how to make and keep promises and how to live life with integrity, accountability, and with love. Students will have the opportunity to work in our various vocational training schools, such as The Other Side Movers and Promise Land Food.

It is for men and women who have hit rock bottom, usually from a lifetime of addiction and criminal behavior, who now want to learn a better way to live. TOSA is available for these men and women pre- and post- sentencing and those within the jails and prisons within the state of Utah as well as those convicts, substance abusers, homeless and others who walk in off the street.

TOSA is a place for those who want to make a better life for themselves and who are willing to put in the work to change their destructive behaviors. It’s a place where they will be supported by those who have come before them and where they will be expected to support those who come after them; a place where “as A helps B, A gets better.” It’s a place where honesty is at the core of everything they do and where hard work, especially on themselves, pays off. TOSA is a place where the most lost among them can change their lives to a life free from addiction, crime and destruction and full of honesty, empathy, and accountability.

The Other Side Academy is not a Drug Rehab, a group home, or correctional facility. They don’t talk about drugs. They don’t offer any 12 step or other like program. They don’t have counselors or therapists or doctors on staff. They are a school where the students practice living pro-social behaviors, such as being honest, being accountable, and making and keeping commitments every day until living that way becomes part of their nature and so they can then choose not to do the destructive and toxic behaviors of the past. They accept male and female participants ranging from 18 to 64 years of age, without regard to race, color, national origin, sexual orientation or physical handicap.

### **Who Is This NOT For?**

If someone does not have the desire to make a 2-year commitment to change their life, this is not the program for them. They don't accept sex offenders, arsonists or "dual diagnosis" applicants. They believe those individuals need special counseling that TOSA does not offer. They don't accept applicants requiring psychological medication because they don't have a medical staff to adequately and properly monitor those needs.

Since they operate a high paced, physically demanding environment, all participants must be in reasonably good health to be fully engaged in the program and be able to keep pace with the rigorous schedule.

### **How To Apply**

You can apply to enroll by contacting them via website or going person to the TOSA campus located at: 667 East 100 South, Salt Lake City, UT 84102. When you arrive, you can request an interview. No appointment is necessary. If you are accepted, you will begin your stay right then. There is no fee to attend the Other Side Academy.

**For Incarcerated:** If you are incarcerated, you need to write TOSA a letter asking for acceptance and request an interview. They will need to know a little bit about your story and why you are wanting to change. They will interview you in jail and if they accept you, they will provide to you a letter of acceptance that you can share with your attorney in hopes of encouraging the Judge to direct you to The Other Side Academy or the Board to approve parole to TOSA.

If you are a family member, spouse, significant other, friend, or neighbor and you know of someone who needs this level of help, know that the person you love and care about needs to be the one to ask for help. It is important for them to contact TOSA directly, and they won't accept requests from someone in their behalf. Families are still welcome to contact TOSA with questions or to facilitate the interview, but an important part of this process is that the person needing help has to want to do this and needs to ask for help themselves.

For more information, go to: [www.TheOtherSideAcademy.com](http://www.TheOtherSideAcademy.com)

\*Source, Daily Herald article: <http://www.heraldextra.com/news/local/crime-and-courts/>

## **UPDATE ON SOTP AS OF JULY 2017**

By Molly Prince

Per Director of Institutional Programming Victor Kersey, there are some significant changes to SOTP implemented in July. He provided us with several updates on this process.

### **Addressing Lack Of Therapists**

The problem that SOTP has faced regarding not having enough therapists will begin to be addressed through a new contract that has been awarded to ISAT which will begin soon. Kersey wrote in an email in response to questions about staffing shortages that "the current ISAT contract allows for three therapists and one clinical director (Supervisor)." He stated that all ISAT therapists working at the prison are required to be Approved Providers of sex offender treatment.

An Approved Provider in sex offender treatment is a fully licensed mental / behavioral health therapist (such as a Licensed Clinical Social Worker, a Certified Mental Health Counselor, a Psychologist, etc.) that has additional training in the highly specialized field of sex offender treatment.

He also reports that he currently has three DOC employees in the SOTP program which includes one office specialist, one therapist and one psychologist. A second office specialist is on FMLA. He further wrote that in all, he has four state vacancies in the program that he hopes to fill in the coming months. The opening for the position of Treatment Administrator will be reposted in the fall and at that time Dir. Kersey will interview and hire to fill that position.

### **No More "One Size Fits All" In SOTP!**

There are several new treatment tracks in SOTP that involve different programs and curriculums. These include the following programs and start dates:

-- A 26-week pre-treatment program called Preparing to Change was scheduled to begin in Draper at Promontory and Wasatch, as well as CUCF on July 11th. This will serve 120 offenders in all at a time.

-- The Kane County Jail will also begin pre-treatment Sex Offender program that has the capacity for 63 participants in September.

-- The new 12-month program, Footprints, for intellectually disabled sexual offenders. was also scheduled to begin in July. This will be updated when a new revision is made available by the author of that program in the fall.

-- The 4-phase/12-month program for Spanish-speaking persons called Venture was scheduled to begin July 11<sup>th</sup>.

-- Paso A Paso is a 4-phase/12-month program for Spanish-speaking intellectually disabled offenders and will also be implemented in USP.

-- The 24-month Core Program (NAVCONBRIG) is scheduled to begin in August at Promontory, San Juan and Sanpete County Jails. There have been a lot of questions about the time frame as well as the ability for therapists to assess and individualize the program to address the specific risk and needs of the program participants. Dir. Kersey stated that the program is designed to take up to 24 months for high- and very high-risk offenders. Therapists can work with the individual participants to modify and individualize the program for their specific needs. This Core Program is consistent with best practice S O treatment and continues to utilize the therapeutic concepts already familiar to sex offender therapists and clients alike.

-- Finally, SOTP is introducing an Aftercare Follow-up program that will begin this month as well. It will utilize a Relapse Prevention Workbook program.

#### **A Goal: Reduce Length Of SOTP Wait List**

Dir. Kersey acknowledged the lengthy waiting list that inmates who have offended sexually have been stuck in for years. He is working to remedy that. Currently (according to some information received from a source other than Kersey), they are about 6 – 8 months behind schedule in getting individuals into treatment. For example, if someone was scheduled to get into treatment in January 2017 in order to be finished prior to their next board hearing, that individual will be entering treatment in the next few months.

Kersey has plans for getting inmates into treatment in a more timely manner once these new programs are up

and running. He acknowledges there may be some delays for various reasons, but they are planning to get offenders into the pre-treatment program 30 months before their rehearing dates. He stated, "Bear in mind that with the start of the pre-treatment program, we are adding 120 offenders to the existing 270 or so in active treatment at the Promontory, San Juan and Sanpete programs." He also indicated that there are hopes that someday they will be able to add SOTP programs in other county jails as well. This could significantly reduce the waiting list.

#### **Impressive Progress In 3 Short Months**

In considering the short time since the Legislative Audit of SOTP was released (April 2017) it is evident that Dir. Kersey and his staff have made significant strides in implementing upgraded, evidence based, and more diverse programs in SOTP to accommodate the various levels of need for the diverse and varied types of individuals who need SOTP. He writes, "We continue to make significant progress with the SOTP as we introduce new programs, train staff and develop new policies and practices. The program continues to encounter challenges with vacancies, leadership and program culture but advancements are continuing."

While Kersey states that he can't perform miracles, he is clearly doing his best to "fix a very broken program." Nothing changes quickly in a system as large as the DOC, but Dr. Kersey was very serious when he told the Legislative Audit Subcommittee in April that they would have something in place within six months. It seems to be well on the way.

*"You cannot unsay a cruel word." -- "Remember that silence is sometimes the best answer." -- Ole Farmer's Wisdom*

*"Every path has a few puddles." -- "If you find yourself in a hole, the first thing to do is stop diggin'." -- Ditto*

*"Live simply, love generously, care deeply, speak kindly, and leave the rest to God." -- Ditto above*

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### **MOST RECENT UPDATES REGARDING BOARD OF PARDONS AND PAROLE**

By Molly Prince

#### **Seeking Other Perspectives After BOPP Audit**

We continue to receive letters, emails and phone calls about the Board of Pardons and Parole. UPAN directors Michael McAinsh and Molly Prince meet with Greg Johnson, the Executive Director of the BOPP several times a year. Also present at those meetings are representatives of the ACLU and sometimes Disability Law Center. We were invited to participate in these meetings by Mr. Johnson. The purpose is to have input from other perspectives as the Board follows up on the Legislative Board Audit. We all share various perspectives and ideas regarding the changes the Board is working toward making. We also have the

opportunity to ask questions to improve our understanding of how things work. Here are some updates.

#### **Putting A Rumor To Rest**

There has been a rumor floating around for several weeks that we would like to put to rest once and for all. The rumor that Angela Miklos, Chairperson of the BOPP is going to retire or step down is untrue. We spoke to Greg Johnson in person at our June 2017 meeting and he assured us that Angela Miklos remains with the Board. She remains the Chairperson. Her term will be up for renewal at the beginning of 2019. Judge Yeates (who was Vice-Chair) did retire from the

Board a couple of months ago. His replacement is Carrie Cochran. The new Vice Chair is Clark Harms, who served as Chair prior to Miklos.

#### **Update On Progress Toward**

##### **Structured Decision Making Tool (SDM) Definition\*\***

As reported in the March UPAN newsletter, the BOPP applied for and received a grant from the National Institute of Corrections (NIC) to receive assistance and consultation in creating a Structured Decision Making Tool for use in Utah.

They had their first meeting to receive technical assistance through phone conferencing with the NIC consultants this past February. Mr. Johnson and representatives from the Utah Board office visited NIC in Connecticut for three days in March. This guidance and consultation includes the Connecticut Parole authorities who have already created and implemented their own SDM. The Board members and staff who went to Connecticut observed how their process works.

The second step in the consultation process occurred in May when the NIC consultants came to Utah to observe the Board's process, hearings, and talked with various state agencies including the DOC and A P & P in order to complete a Readiness Assessment on Utah's Board for this change. They will return this summer to present the assessment and their findings to the BOPP and determine how to proceed in development of the SDM.

The timing of the development of the SDM should line up well with the implementation of the electronic record keeping database, as the Board will receive the first level of funding for that in July.

The third step in the process heading toward SDM development will occur in July when the consultants return with the assessment and consult with the Utah Board and develop the SDM tool including examining the issues to be considered that are specific to Utah which may be different than what Connecticut has.

Finally, the fourth step in the SDM tool development process will be to use the new SDM tool in a pilot program. Mr. Johnson hopes this will be available by fall. The purpose of the pilot program will be to see how the SDM works and work out any problems discovered in the actual use of it over time.

The SDM tool will then be integrated into the Board's new electronic record keeping system. While getting the electronic system up and running, and all the records input into it will take a significant amount of time, we hope that after the first year, data will be available on the Board's decisions to begin to monitor the decisions over the long term – which can then provide information on what further changes may need to be made in how the decision making processes are accomplished in Utah.

Mr. Johnson told us that the NIC hopes that Utah will be a "model site for SDM."

Other issues that were discussed at our June meeting with Mr. Johnson include our concerns that in the current paper record-keeping method, only 3 of the 5 Board members are required to vote if the first three agree on the decision of the first member to review the case. It goes from desk to desk, so is referred to as "serial decision making." With the electronic database, Board members will be able to review the inmate's records and make decisions and vote at the same time (called a parallel voting process). Currently the only time all five Board members are required to meet and discuss someone's case prior to rendering their final decision is for "expire life" cases.

UPAN's position is that all five Board members should vote on all length-of-stay decisions. We were told that the plan is to have all board members weigh in because the data will be easily available to all five board members as well as the hearing officers once the electronic database is in place. Some discussion also centered around the possibility of the Board expanding sometime in the future to add more voting Board members due to the huge number of cases they review and render decisions on each month. There are currently no plans to expand the number of voting Board members.

Note: some decisions are decisions related to warrants for parole violations, so do not necessarily require all 5 members' attention.

UPAN continues to hope that the new SDM that will be created and implemented will significantly improve the ability of the entire panel of voting Board members to make appropriate and objective decisions about all of the offenders they review.

#### **Audio Recordings Of Hearings Available To You, But Destroyed After 10 Years**

Not everyone is aware that an electronic audio record is made of all in-person, video, or telephonic hearings held by the Board. The electronic record made will be kept at and maintained by the Board for seven years. Any magnetic, analog, or other non-digital hearing record made prior to January 1, 2009 is only maintained for 10 years from the date of the hearing due to the deterioration of the old magnetic tape. So if you want a copy of your hearing that occurred prior to 2009, inmates or families should request it now.

Also, an offender or anyone can obtain a copy of the recording upon written request to the Board. If the request for the recording requires that the record be copied to an electronic or digital medium, the Board will charge a fee for the copy purchased. When an offender affirms by affidavit that he or she is unable to pay for a copy of the recording, the Board may furnish a copy of the record, at no fee, to the offender.

Currently, digital recordings can be ordered and sent to a designated person via email to be downloaded to a

computer. Then it can be saved to a storage device, such as a thumb drive.

**Parole Violation Guidelines Being Examined**

The Board as an office is also brainstorming and looking at how to more effectively work with Parole Violation Guidelines. Currently, the PV Guidelines are being followed by the BOP 85% of the time. The remaining 15% that the Board may deviate from the guidelines include individuals who were on parole and then received new charges that need to be adjudicated or new convictions for new crimes. Other cases in that 15% include situations where the Board deviated from the guidelines due to public safety exceptions. The Board is working on a way to more effectively and efficiently deal with the 85% that are relatively routine so they can have the time to deal with the small percentage that pose a risk to public safety and may not be eligible for the standard PV guideline (which is currently 60 days in prison for the 1<sup>st</sup> parole violation, and the time of incarceration increases from there). It should be noted these are generally considered technical violations that do not necessarily put the community at risk rather than violations that either are related to committing a new crime or being in a process that causes enough concern that it may lead to a new crime.

**Collaboration Between BOPP And DOC Regarding Sex Offenders**

Programming Director Victor Kersey and some of his staff met with Greg Johnson and Bev Yipi in May to discuss when and how to coordinate so that the prison can get pre-assessments and discharge summaries to the Board when needed. They are looking into formats that will meet the Board’s needs and provide them with the information necessary to make an informed decision

***There is NO evidence that putting people in prison improves society. We must do this differently.***” Historian Heather Ann Thompson’s award-winning book “Blood in the Water; The Attica Prison Uprising of 1971” Pub. Aug, 2016

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**Legislators Signal They’re “All-In” On Changes Mandated By The SOTP Audit**

**Michael J. McAinsh, UPAN Secretary**

**Rumor From A Letter Prompts UPAN Action**

Rumors start for the most confounding reasons. How they get started is anybody’s guess, but they spread like a prairie fire, causing panic to folks in their path.

A sinking feeling of dread came over me as I read an email that UPAN received on the 8<sup>th</sup> of May that read in part, “I felt compelled to write to the [Law Enforcement and Criminal Justice Interim Committee] when I read the notice that they [would] determine if they should go ahead and do something about the findings of this SOTP Audit or because of lack of interest let it quietly go away.” Nobody in UPAN had heard of this. “Well,” I told myself, “I’d better not miss that meeting.”

on when an inmate is a low enough risk to be considered a good candidate for treatment in the community.

UPAN is receiving a lot of letters and emails with questions asking when these pre-assessments will be completed and how an inmate can get an assessment completed prior to their first board hearing. UPAN does not have the answer to that yet. When the prison and the Board can give us an answer to that, then UPAN will share in this newsletter. As it is, when considering if you or your loved one will be eligible for an assessment to determine low risk early in their sentence, remember that if the inmate has a bottom number that is many years out, they will not undergo any assessments until they are closer to the minimum number of years they are required to serve based on their sentence. For example, if the sentence is a 15 to life, they will not be assessed during the first years of incarceration, because they will not be eligible for their first hearing until closer to their minimum number. However, if they are on a 1 - 15, they would most likely be eligible to be assessed within the first year prior to their original hearing.

Change takes a lot of time. We have to keep remembering that old saying – How do you eat an elephant? One bite at a time.

**\*\* Definition of Structured Decision Making:**

Structured decision making is a general term for carefully organized analysis of problems in order to reach decisions that are focused clearly on achieving fundamental objectives....Every decision consists of several primary elements – management objectives, decision options, & predictions of decision outcomes.

**Bold DOC Action To Replace “One Size Fits All”**

At the release of *A Performance Audit of the Sex Offender Treatment Program* in April, Executive Director Rollin Cook and Programming Director Victor Kersey both used a phrase that inmates who had experienced the SOTP first-hand had used for years: SOTP had been a “one size fits all” program. These two men did not mince words when they accepted the findings of the Legislative Auditor General’s report. Drastic changes were coming to the SOTP.

Nobody was back-pedaling at the interim committee meeting on the afternoon of the 17<sup>th</sup> of May. After the legislative auditors gave the assembled legislators an



overview of the shortcomings of the prison's SOTP that were uncovered in the audit, it was the UDOC's turn to be heard. "I am the one who takes full responsibility for this audit," Director Cook told the committee. Director Kersey came to the meeting with a five-point program that will tailor SOTP to the offender, rather than force the offender to wear the "one size fits all" SOTP zoot suit. The program will even be taught in Spanish, and there will be a separate program—also in Spanish—for *Latinos* with learning impairments!

### **A Different Assessment Tool Being Used**

Incarcerated sex offenders will be glad to learn that, as of the 30th of June, the hated penile plethysmograph will be a thing of the past in the prison program. According to a recent communication between UPAN's Molly Prince, and Dir. Kersey, the PPG will be replaced with the AASI-3 and VRT and Abel/Blasingame as a sexual interest/arousal patterns instrument. The AASI-3 is the Abel Assessment for Sexual Interest-3 and VRT is Visual Reaction Time. The Abel/Blasingame is used to determine sexual arousal patterns in individuals with intellectual disabilities. These evaluations involve fully clothed models in the materials utilized. No phallometric measurement is required.

The Abel Assessment for Sexual Interest is a tool that was originally developed in the mid1990s by Dr. Gene Abel and has evolved over time. This assessment tool has its own detractors, and it remains to be seen if it is better at gauging deviant sexual interest than the penile plethysmograph.

The legislators asked probing questions of the auditors and the two directors, demonstrating their commitment to changing the way SOTP is run. It was obvious from remarks they made that their constituents—among these, members of the UPAN community—had been visiting and writing them. As Margaret Mead once said—and we use this quote in this newsletter repeatedly-- "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

Note – there is not yet any change in policy on how the DOC and State of Utah will deal with the PPG that it currently requires in outpatient S O treatment programs. Approved Providers of Outpatient Sex Offender Treatment must comply with Utah's Sex Offender Programming Task Force's Treatment Parameters, which still require the PPG as part of outpatient treatment programs. According to Dir. Kersey, the Task Force will be addressing this issue in the future.

*"To change systems that are already in place takes time, energy, perseverance, and a lot of hard work. Don't give up."*

### **Using Better Sense Next Time**

One inmate discovers that the road to hell is paved with bad decisions. By Anonymous

I was removed from SOTP in 2015 for muling prescription medication from one part of the prison to another. Putting all excuses to the side, it came down to the fact that I thought I could get away with it, so I went for it—consequences be damned! Throughout my life, I have fallen into the habit of making bad decisions which have had the potential for getting me into trouble, because I rarely tried to draw the line.

Sometimes, it can be difficult to accept that, it's not a matter of if, but of when the consequences will harm you when you make poor decisions. Wouldn't it be nice if it I could see the effect of my poor decisions beforehand! The depth and layer of such decisions fan out and affect people other than myself. I went through my whole life making poor decisions and being selfish by thinking that this is my life and what I do affects only me. The consequences of my selfishness have left me humbled.

My family has taken hit after hit emotionally. It's a wonder that they have stayed supportive all this time! I certainly know that I don't deserve it. Once I realized the damage of my poor decisions, it was overwhelming, because it took seconds to make the decision, and months, or even years to pick up the pieces. It's been

two years since my muling incident, and I'm still dealing with the consequences.

When I chose to mule medication, I showed everyone that I wasn't committed to change – that I wasn't yet trustworthy. So is it any wonder that I've been removed a second time from SOTP and no one believes me when I dispute the accusations forming the foundation of my removal? Should it be surprising that my first removal is thrown in my face and my pleading ignored?

I came to realize that they already had their perceptions of me made up – a profile, if you will. It will take a considerable amount of time, patience and diligence to repair the damage to my reputation.

Peer pressure has been a hard thing for me to ignore. I put too much effort into trying to please the wrong people. I chose to gain acceptance through negative acts when just as easily, through positive behavior, I could have gained it from the people who matter most to me – my family. There is also my future boss, partners, investors, clients and many other unknown relationships to consider. How can I be accepted by good, valued people if I continue to make poor decisions? By making poor decisions, I just attract others to me who also make poor decisions.

Like any loving parent, I want my children to have good values, be accepted by the right people, prosper and, hopefully, not make the same mistakes that I did. How do I do that when I keep getting into trouble? How can I expect them to make good choices when I continuously make poor ones? No matter what I do as a parent, I'm leading by example. Positive, negative – it is my example that will shape their attitudes as they grow into adulthood.

I don't want my mistakes to define my children's lives. I don't think that it's okay for my children to mule drugs! I don't want them to think that it's okay to lie and hurt people who care about them, to think that crime is acceptable, or to be selfish and self-serving. These are not the values that I want for myself or to teach to my children, but the hard truth is, I've been doing exactly that!

I have talked to many people here in prison about how they choose to do their time. Some use drugs to escape prison and believe they are not drug addicts. They believe that, once released, they will stop using and will live a tranquil life. The fact that many believe this is disheartening and, after some reflection on the decisions I have made, it is clear that I fall under the same blind fantasy. I fantasize about a wonderful fulfilling life, and expect it to happen because I want it to.

I have to wake up because change has to happen here first! How I choose to live my life, and the decisions I make here in prison will most certainly follow me to the streets. I've relied on the idea that, because I don't abuse drugs any more, I'm no longer an addict. Not only is addiction a life-long battle, it also comes in diverse shapes and sizes. For instance, I find myself addicted to acceptance. The feeling of acceptance doesn't discriminate between positive or negative behaviors; the feeling makes me whole. Throughout my whole life there hasn't been a distinction between the two. To me, it has always been the feeling that counted.

No one wants to feel like an outcast. Nobody wakes up in the morning and can't wait to be rejected, or smiles at the thought that they'll be made fun of and tormented.

The poor decisions that I've made put me into the situations that have shaped just who I am, but that's no excuse to continue to live my life this way when I understand what is right and what is wrong. It takes a lot of integrity and confidence in yourself, and who you want to be, to rise above who you once were, and forge a new path.

I won't be accepted by all, but I'll always be accepted by my family. The trick is feeling good about the choices I make, and accepting that those choices are rarely easy.

***Some people come into your life as blessings. Some people come into your life as lessons. Mother Teresa***

#### **REQUEST FOR INFORMATION FROM FORMER INMATES ABOUT "GATE MONEY"**

It has come to UPAN's attention that inmates who are leaving prison on parole, or who have terminated or expired their sentences are now receiving the money that was in their inmate account on a debit card issued by Mastercard, rather than by check. We would like to hear about your experiences with using the card.

Specifically, have you had trouble accessing your funds on this card? Are you charged fees to access your money? If you were given "gate money," was it put on the card? Please email or write UPAN with any information that you may wish to share, at the address on the bottom of this page.

#### **SEEKING RESOURCE INFORMATION**

Mike McAinsh is assembling a resource list for inmates leaving prison. If you know of any resources that could be placed on this list, please send them to him at the UPAN address below or email Mike at [utahprisoneradvocate@gmail.com](mailto:utahprisoneradvocate@gmail.com).

***"It doesn't take a very big person to carry a grudge. It takes a big person to shed one, while staying cool." Ed.***

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