

# WYOMING STATE ADVISORY COUNCIL ON JUVENILE JUSTICE

## Meeting Minutes

September 21-22, 2017 • Wind River Indian Reservation, WY

### Agenda:

#### **Thursday, September 21, 2017**

- Call to Order
- Approval of Minutes
- Budget Report/Grant Update
- New Business
- On-Going Business
- Community Participation

#### **Friday, September 22, 2017**

- Strategic Plan Review
- Committee Reports
- Community Participation
- Announcements
- Adjournment

#### **Present:**

Allison Anderson  
Clarence Thomas  
Damon DeBernardi  
Michael Sorenson  
Narina Nunez  
Nicole Hauser  
Shad Bates  
Thomas Rose

#### **Ex-Officio Present:**

Christina McCabe (phone)  
Gary Hartman  
Nicole Gilbert (phone)

#### **ICJ:**

Brandon Schimelpfenig

#### **Via Proxy:**

Lisa Finkey  
Madison Bates

#### **Via Phone:**

Adrienne Freng  
Chris Jones  
Gary Gilmore

#### **Others Present:**

Brandon Schimelpfenig  
Craig Fisgus  
Jeff Lamm  
Korin Schmidt  
Mary Kane  
Leslie Shakespeare  
Vernalyn Bearing  
Carol Justice  
Rachel Felter  
Alfred Duran

#### **Absent:**

Alex Cooley  
Baylee McIntyre  
Bryan Skoric  
Seth Marshall  
Shane Johnson  
Steffany Stephenson  
H. Steven Brown

### **Call to Order**

- I. **Call to Order: Thursday, September 21, 2017 at 1:00 p.m.**
  - a) Roll Call
  - b) Declaration of Quorum, established with 12 members.

## **II. Approval of Minutes**

June 22-23, 2017 meeting in Sundance. Nicole Hauser motioned to approve the Minutes, Narina Nunez seconded the motion, all in favor, motion approved.

## **III. Budget Report/Grant Update - Brandon Schimelpfenig**

### **a) Juvenile Accountability Block Grant (JABG)**

JABG '13 has been expended by City of Cheyenne and Natrona County. The JABG '13 grant has been closed out and the report has been approved by OJJDP.

### **b) Title II State Advisory Group Award**

Title II '16 has \$5,180.49 remaining. Title II '17 grant application has been reviewed by OJJDP and has been approved as of 09/20/17. Brandon Schimelpfenig stated that he would need to print off the award documents and have the Authorized Grantee Official for the Dept. of Family Services, Director Tom Forslund, sign then Brandon would need to scan the signed award documents back to the OJJDP State Program Manager, Carol Neylan for final approval.

## **IV. New Business**

### **a) Membership – updates, if any**

Brandon Schimelpfenig stated that all the members whose terms were expiring in August 2017, (Shad Bates, Adrienne Freng, Allison Anderson, and Clarence Thomas), were reappointed for another term. Dawnessa Snyder was up for reappointment as well but she had discussed with the Governor's Office and Brandon Schimelpfenig that she would not be seeking reappointment as she was recently appointed District Judge in Carbon County, WY. It was asked by the Council to Judge Hartman with the Governor's Office if any other individuals had recently applied to the Council and he stated that Renee Kemper, whom was previously on the Council, had applied for membership with the Council. The Council discussed the idea and recommended Renee for membership. It was also discussed to have Rep. Bob Nicholas replace Sen. Leland Christiansen for the Wyoming Legislation representation for the Council.

### **b) OJJDP Reauthorization Progress Update – Brandon, Craig F.**

Craig Fiskus stated that the U.S. House of Representatives and U.S. Senate in Washington, D.C. had passed their versions and the Act Reauthorization is now in reconciliation. He stated that the only thing that might hold up the reauthorization is the Valid Court Order (VCO) exception section.

### **c) Social Media Option through Website Host**

Brandon Schimelpfenig stated that Dave Lerner from WyomingNetwork.com had previously presented in January 2017 about estimated costs for updating the Council's website; wyjuvenilejustice.com. Brandon stated that WyomingNetwork.com is now offering a new service to customers to host a Facebook page for the Council. Brandon stated that WyomingNetwork.com would charge \$5.00 per post and to respond to comments and that WyomingNetwork.com estimated that one post per day during the weekdays would equate to \$25.00 per week. After much discussion, Thomas Rose motioned for the Council to look into starting a Facebook page not managed by WyomingNetwork.com but by a Council member and with closed privacy settings for the initial startup of the page, Narina Nunez seconded the motion, the motion was then opened for discussion and Craig Fiskus stated that Brandon should look into whether or

not the federal grant that funds this Council can be used for building a Facebook page and paying to boost posts. Nicole Hauser motioned to make an amendment to the original motion to have the Outreach Committee take on the management of the Council's Facebook page, should one be created, Thomas Rose seconded the Amendment, all in favor, motion passes. Allison Anderson then came back to the original motion for the Council to create a Facebook page and for Brandon to look into whether the Title II grant can be used to "boost" posts and advertise the Council's page on Facebook, all in favor, motion passes.

d) Letter Request from CJJ

Brandon Schimelpfenig stated that he recently received a draft of a letter from Annie Reiney, on behalf of the Coalition for Juvenile Justice (CJJ), asking if the Council would be willing to sign on the letter, joining other states in support of reauthorization of the JJDP and ending the VCO exception section in the Act. Thomas Rose motioned to sign on the letter, Narina Nunez seconded the motion, the motion was then opened for discussion and Adrienne Freng stated that this would be considered lobbying which the Council is prohibited from doing. Thomas Rose then withdrew his motion and made a new motion for the response to Ms. Reiney request to read similar to "while the Council agrees with the concept of eliminating the use of the VCO for institutionalizing status offenders, we cannot sign on to the letter as written because that would be perceived as lobbying." The motion was then seconded by Michael Sorenson, all in favor, motion passed.

e) ROM Presentation – Jeff Lamm

Jeff Lamm stated that ROM is still operating under its test site and that Craig Figus and Brandon Schimelpfenig have been working very hard to narrow down data points that would best suit counties and reduce inconsistencies when submitting the data sheets to DFS. Jeff stated that the test site is still fine tuning things and DFS is still working on creating a public facing website. Jeff also stated that funding has been secured for at least one more year of ROM.

f) 2018 Strategic Planning

The 2015-2018 Strategic Plan is due to expire in the coming year. The new Strategic Plan (2018-2021) will need to be submitted with the upcoming year's Title II application. For the 2015-2018 Strategic Plan it was mentioned Meredith Asay helped with the formation of the plan so it was discussed to possibly hire her for the new plan. Craig reminded the Council that even though Wyoming is a Non-Participating State with OJJDP, the new Strategic Plan might need to be focused on compliance with the JJDP. Brandon Schimelpfenig stated that he would check with Carol Neylan, Program Manager with OJJDP, to see if the current format and content of the 2015-2018 Strategic Plan would suffice for compliance with the Title II 2018 application. Shad Bates motioned to use Meredith Asay for the 2018-2021 SACJJ Strategic Plan, Thomas Rose seconded the motion, all in favor, motioned passed.

**V. On-Going Business – Updates from:**

a) Governor's Office - Judge Gary Hartman

Judge Hartman stated that he is going to be attending the Interstate Commission for Juveniles (ICJ) Annual Business meeting in California and will be discussing the Non-Compliance matrix. The matrix includes sanctions and fines for non-compliance with ICJ rules and procedures. Judge Hartman then discussed that the matrix is based on the

adult interstate compact non-compliance matrix and that he fears that with the fines outlined in the juvenile matrix for non-compliance that some states might opt out of the Compact for juveniles. He stated that this would cause many concerns and problems for regulating the transfer of juveniles on supervision between states. He stated that he thinks the fines are excessive and that he will be voicing this at the upcoming meeting.

b) Data Collection Update – Jeff Lamm

No updates that weren't already stated in the ROM presentation by Jeff Lamm.

c) DFS Update – Senior Administrator Korin Schmidt

Korin Schmidt stated that DFS will be entering into a contract with the Wyoming Supreme Court for ROM funding and that ROM will be funded for at least one more year for the juvenile justice side as well as the child protection side of data gathering for DFS. Korin also stated that there has been a soft rollout of the new organizational chart within DFS with three functioning areas. The first is the Support Services managed by Roxanne O'Conner. Within this area will be an array of programs that lean more on the administrative side of DFS such as Human Resources, Central Registry, Childcare Licensing, IT functions, and Communications responsibilities.

The second functioning area is the Economic Security side managed by Kristie Arneson. These Programs include economic security focused programs such as Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), the Child Care Block Grant, the homelessness program, all of the regulatory functions that come with those programs, and all of the field workers for the Economic Security area. Kristie also will keep her Child Support program and the functions that go with it.

The last functioning area is the Social Services side and will be split into three main areas of focus. Marty Nelson will manage the programs side of Social Services which includes ICJ, Child Protective Services (CPS), and Juvenile Services (JS). The field side, which also includes the tribal responsibilities, will be managed by Ed Heimer. The two youth facilities, Wyoming Boys' School and Wyoming Girl's School, will still be managed by their respective superintendents.

DFS is currently working through its federal Program Improvement Plan (PIP) and Korin stated that she set a deadline of December 2017 to have the finalized action plan sent to its federal partners.

d) Non-Participating State Grant (VOA) - Craig Fisgus

Craig was present to give updates from VOA. The first update is Craig stated the six-hour rule of holding accused juveniles in adult jails has been clarified by OJJDP. The understanding with OJJDP was that a local sheriff's dept. could hold an accused delinquent offender up to six hours before a court appearance and up to six hours after a court appearance pending transport to a juvenile detention facility in another county. The rule has been clarified stating that the local sheriff's dept. only has a total of six hours to hold an accused juvenile in an adult jail. This applies only to accused delinquent juveniles, not status offenders nor adjudicated juveniles, who are being held in adult jails with sight and sound separation from the adult area.

The second update was that Wyoming has received the Non-Participating State grant from OJJDP in the amount of \$380,000.00. Craig stated that he is working with Jeff Lamm at DFS to look at where the DFS ROM spreadsheet and the VOA spreadsheet could possibly be married for data gathering purposes.

e) FACJJ Update – Clarence Thomas

Clarence stated that the Federal Advisory Council on Juvenile Justice (FACJJ) has clarified some issues regarding compliance determination with states. Clarence also stated that another issue that has come up is data transparency and LGBTQ (Lesbian, Gay, Bisexual, Transgender, Questioning) juveniles.

**VI. Community Participation**

a) Eastern Shoshone DFS

Vernalyn Bearing, Mary Kane, and Leslie Shakespeare were present from the Eastern Shoshone tribe to discuss current juvenile justice issues they are seeing in their area. Leslie stated that one of the biggest hardships they face in Fremont County and the Eastern Shoshone tribe is when juveniles commit status offenses such as Minor in Possession or Minor Under the Influence of Alcohol is where to house them since they cannot be housed in an adult jail. Leslie did state that since a report on 05/22/2017, the Eastern Shoshone tribe has improved their number of juvenile held in custody without a court order by over 50%. He stated that they have to be very creative in their diversion techniques for juveniles. Mary Kane stated that the common caseload for a CPS caseworker is approximately 12. She also stated that substance is quite prolific in the cases they supervise. Mary stated that she wished they had more foster homes for kids on the Eastern Shoshone reservation. Leslie stated approximately half of the Eastern Shoshone tribe is under the age of 25 years. He stated they are a very young tribe. Mary Kane stated that it is sometimes difficult for them to get all three courts involved to cooperate with a case. She stated that they have to follow tribal court, the CFR (Code of Federal Regulations), and also Wyoming state laws. Vernalyn stated they have been seeing great success with the Wyoming Practice Model (WPM) in their area.

**Friday, September 22, 2017**

**VII. Strategic Plan Review**

Most of the committees have already met concerning the Strategic Plan review and will be giving updates during the Committee Reports.

**VIII. Committee Reports**

a) Executive Committee – Allison Anderson

Prepared the agenda and communicated with possible speakers about presenting at upcoming meetings.

b) Grants Committee – Allison Anderson/Craig Fiskus

No updates that weren't stated in the VOA Update from Craig Fiskus.

c) Best Practices – Nicole Hauser

A conference call was held in July 2017. Topics included restorative justice, shackling policies and gang activity. Data from diversion programs across the state from the 2015-2018 Strategic Plan were reviewed. Michael Sorenson stated that he researched

to see if there were any policies regarding best practices for shackling and he stated that there are no clear definitions regarding shackling in other states nor national guidelines. Thomas Rose stated that the Council should hold off on recommending anything on shackling to the Governor until there is more research conducted.

d) Outreach Committee – Thomas Rose

There was recently a conference call held within the Outreach Committee concerning updating the logo for the Council. Thomas stated that he has received permission from the Secretary of State's office to use the Wyoming bucking horse logo as an image in the logo. Allison did state that the "Wyoming cursive" writing is owned by the Wyoming Business Council so the Council would need to get separate permission for that piece of the logo as well. Thomas discussed four options for the new logo included in an email sent out prior to the Council meeting. Nicole Hauser motioned to accept the first logo option, Clarence Thomas seconded the motion, Damon DeBernardi voted no, the motion passes by majority vote.

Thomas also stated that there are no updates pertaining to the selection of candidates for the 2017 Neal Madson Excellence in Juvenile Justice Award. It was asked how much an update to the Council website would be and Brandon Schimelpfenig stated he would find out exact cost from Dave Lerner at WyomingNetwork.com.

e) Data Committee – Adrienne Freng

Adrienne Freng was not present on 09/22/17 via phone or person but Narina Nunez stated that there was a call amongst the Data Committee on 08/29/2017 stating that the Committee would hold off on updates until the funding stream for ROM is known beyond December 2017.

f) Legislative Committee – Narina Nunez

--Juvenile Bills Update

Narina Nunez stated that there were no updates from the Legislative Committee.

g) Youth Member Committee – Baylee McIntyre

Baylee McIntyre was not present so there were no Youth Updates.

h) Interstate Compact for Juveniles (ICJ) – Maureen Clifton

No further updates that weren't stated in the Governor's Office update from Judge Gary Hartman.

## **IX. Community Participation**

a) 9:15 – 9:45a – Annie McGlothlin (De Facto Custody Law)

Annie had to cancel her presentation on short notice. She stated in an email to Brandon Schimelpfenig that she will attempt to travel and present at the November 2017 meeting in Casper, WY.

b) 10:00 – 10:30a – Northern Arapaho DFS – Rachel Felter, Alfred Duran

Rachel Felter, Executive Director of Northern Arapaho DFS, and Alfred Duran, juvenile probation officer with Northern Arapaho DFS, were present to discuss the current state of juvenile justice and DFS within the Northern Arapaho community. Rachel stated that one of the biggest problems right now they are facing is where to house status offenders like when juvenile are found to be intoxicated and the local jail cannot house them and

mom or dad doesn't want them so usually the local DFS sits with them until they can become sober. Transportation of juveniles to treatment facilities for the juveniles is also a hardship they are facing. Rachel stated that the typical caseload of a CPS worker is 45-70 on the reservation and the typical charges they investigate are drugs and alcohol abuse.

c) 10:30 – 11:00a – Carol Justice

Carol stated that she has been involved in juvenile justice in Wyoming since 1981. Carol stated there are many more resources that Wyoming could be using to keep juveniles out of detention. She also stated that the only reason that Wyoming is not a participating state with OJJDP is because of lack of willingness. She stated that the Council has more power than they realize when it comes to juvenile justice. Carol went on to discuss the evolution of courts from juvenile courts to family courts and that Wyoming could adopt a statewide family court system if they wanted to.

**X. Announcements**

a) Next Meeting

The next meeting will be on November 16-17 in Casper, WY

**XI. Adjournment**

Motion to adjourn meeting by Thomas Rose, seconded by Damon DeBernardi, motion passes, meeting adjourned at 11:19 AM.

Next Meeting: November 16-17, 2017, Casper, WY